

New Jersey



Assessors

Bulletin



MEMBER
International Association
of Assessing Officers



VOL. 33 No. 1

SPRING 1995

EDUCATION CERTIFICATION EDUCATION DESIGNATION RECERTIFICATION EDUCATION

The Year of the Member

George A. Donatello, CMS, IAAO President

Education is the "cornerstone" of IAAO. We must do everything necessary to provide you and our assessment profession with high-quality, affordable education programs. We must explore and establish distance learning programs and take advantage of new educational delivery systems. We must develop new courses around the "three pillars": mass appraisal, assessment administration, and tax policy. Currently we have only four courses that deal specifically with these areas. Also, I would like to talk with all of the other societies and organizations that provide appraisal, administration, mapping, and GIS education to see if we can begin using each other's already developed courses instead of using all of our precious resources on reinventing the

Continued on Page 4



(l to r) Martin Guhl, CTA, Moderator; Former Assessor Joseph H. Martin, CTA, MAI, SCGRE, Instructor; Administrator Tom Efstathiou, CTA, Host. Creators, Developers and Producers of Continuing Education Courses for Assessors with Continuing Education Credits and Diploma. See story page 4.

CONTINUING EDUCATION COURSE SCHEDULE

| PROGRAMS | INSTRUCTORS | CREDITS |
|--|--|-----------|
| Principles of REA Appraisal Review-Code #5210 | Burnham Hobbs, CTA/Tom Efstathiou, CTA | 6 hours |
| Income Approach to Value Use-Code #5211 | Joseph Martin, MAI | 6 hours |
| Narrative Appraisal Rev. & Tax Appeal-Code #5212 | Pamela Matarrese, Esq./Chuck Beyer, MAI/ | 6 hours |
| | Denise Siegel, CTA | |
| Woodland Management Seminar-Code #5213 | Richard Goodenough, ACF | 3.5 hours |
| HP 12c Computer-Code #? | Joseph Martin, MAI | ? |

CONTINUED IN NEXT ISSUE

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publisher

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MASS APPRAISAL CONTEST

The IAAO Research Subcommittee has announced a new contest aimed at demonstrating various methods of mass appraisal.

Individuals or teams from any agency, company, or organization are invited to enter. Each participant or team will be provided with a machine-readable database describing several conventional, detached single-family residential properties that have recently sold. The database will be the current set of property descriptors, including the actual sale price, from a Florida jurisdiction. The sales prices will be excluded from a sample set. The task will be to calculate the most likely sales prices for the parcels.

Several submissions will be selected by a panel of IAAO Research Subcommittee members for presentation at the 1995 IAAO conference in Chicago.

To register for the contest, complete and return the registration form to Bob Clatanoff at IAAO, 130 East Randolph Street, Suite 850, Chicago IL 60601-

**IAAO Mass Appraisal Contest
Registration Form**

Name _____

Jurisdiction _____

Agency/Co. _____

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State and ZIP _____

Telephone _____

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6217, no later than March 31, 1995. Registrants will receive detailed information as soon as it is made available.

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ASSESSORS IN THE NEWS

THE STAR-LEDGER, Saturday, February 4, 1995

Appeals court rules tax assessors can be liable for biased evaluations

By DAN WEISSMAN

Local tax assessors can be forced to dig into their own pockets for damages and legal fees if they use excessive evaluations to harass, threaten or punish property owners, a state appeals court said yesterday.

A three-judge panel acknowledged that its ruling could have "a chilling effect" on tax assessments and "may be disruptive of a state tax system."

General Motors, the city's largest property taxpayer, contended Frangella "violated its rights under the federal and state constitutions by imposing an arbitrary, discriminatory and excessive property tax assessment."

The automaker asked the courts to strip Frangella of "absolute" immunity because of his alleged misuse of powers. The company based the claim of "violation of constitutional rights" on its contention that in 1986 Frangella imposed a higher taxable value on the plant to retaliate for successful tax appeals filed in previous years and to discourage further challenges to his assessments.

General Motors also sued Richard Chaiken, an independent appraiser who was a consultant to Frangella. The appeals court, however, said Chaiken could not be held liable for his role under the federal civil rights statutes.

A lower court dismissed the GM suit, but a three-judge appellate panel said the trial court "erred" in its findings that Frangella enjoyed "absolute immunity from suit" and ordered the matter tried in state Superior Court.

The appeals court said if it accepted the lower court's reasoning of total immunity, "it would mean that a tax assessor could engage in a practice of racially discriminatory tax assessment without being subject to personal liability."

"We are unwilling to read a limitation into the scope of operation which would prevent a state court from granting complete relief, including compensatory and punitive damages, for such a violation of constitutional rights."

But it said on balance, "these dangers are not a sufficient basis for denying the remedies afforded... to a party whose constitutional rights have been violated."

The decision, which invoked federal civil rights laws, involved a 12-year running dispute between General Motors and Linden Tax Assessor Emanuel Frangella over the value the assessor placed on the auto assembly facility.

The case now goes back to a lower court for a trial at which GM will have to show the tax assessor treated it differently from other companies and increased the assessment just because the automaker had appealed the earlier ones.

Frangella was not available for comment. All inquiries were directed to his attorney, Saul Wolf of Livingston. Wolf said when the case is tried in the lower courts, Frangella is prepared to challenge the basis of the appeals court ruling.

"Obviously, we all understand the property tax system in New Jersey cannot work if the assessor is not free to do his or her job," said Wolf.

"And the assessor cannot be free to do the job if someone who disagrees with an evaluation can use the threat of a lawsuit by someone with pockets as deep as General Motors to get him or her to capitulate to demands."

GM's lawyer, Joseph Garripa of Montclair, said in a prepared statement, "Taxpayers throughout New Jersey, indeed the nation, now clearly have another arrow in their quiver to fight unjust real estate tax assessments." Garripa, in an interview, said the decision gives property owners—from the one-family home owner up to the largest industrial facility—a remedy beyond the normal tax appeal to challenge increased assessments.

Wildwood tax assessor Joseph Gallagher, the immediate past president of the Assessors Association, said if it stands, "the implications of the appellate court ruling could be devastating." Gallagher, in fact, said lifting the immunity granted to other "political"

Wildwood tax

assessor Joseph

Gallagher said if the

decision stands, "the

implications of the

appellate court ruling

could be devastating."

municipal officials from tax assessors alone "seems unconstitutional."

He acknowledged the possibility of an assessor's action "being construed as unreasonable." But, he said, "to be personally liable is something else again. I would almost start to think if I want the job at that point."

Gallagher said to be fair, if assessors are stripped of their immunity from lawsuits, "the cloak has to be removed for everybody. Then, can they go after the fire marshal, the police or code maintenance people? Where would you stop?"

The Year of the Member (Continued from page 1)

wheel. Let's use more of our education dollars for mass appraisal, assessment administration, and tax policy courses! And finally let's all work together in delivering the finest education program, materials, and services to YOU!

I believe that we must continue to raise the level of our profession and gain recognition for our great accomplishments in the field of mass appraisal, assessment administration, and tax policy. We currently do this with the finest assessment professional designation programs in the world! Our designations are respected and recognized worldwide, yet less than ten percent of our members are designated! We must remember the "three pillars," recognize that we are a multidisciplinary assessment organization, and look for ways to provide all of our members with the opportunity to participate and gain meaningful recognition at every level of our profession. I am extremely happy that the designation for assessment administrators was approved last year, and I will ask the Executive Board to approve the formation of an ad hoc committee to see that this program is established by mid-1995 so we may present the first assessment administration designations at IAAO's annual conference in Chicago next September. Again, let's all work together, with fresh ideas and vision, top figure out how IAAO can have 10,000 designated members instead of the less than 1,000 we have now!

The last thing that I want to talk about is *you* as a member—because you are the reason there is an IAAO. We must continue Past-President David Wheelock's mission to have 10,000 members in IAAO—not because of the numbers, but because membership in the IAAO offers us so many benefits and opportunities to be better at what we do as assessment professionals. Each of us has at least one non-member colleague who would benefit as you have from membership in the IAAO. All you have

to do is ask him or her to join. It's that easy. Once your colleagues are members, we must get them involved and make them feel a part of the organization. I plan to ask state representatives and board committee members to call new members and welcome them to IAAO.

Also, we must provide greater tangible value for their membership dollar to our new and old members alike. I support the proposed establishment of a 1-800 number for membership inquiry to headquarters. Also, I will work with staff to see that the electronic library inquiry service is completed as soon as possible, explore making parts of our library a lending one, instead of simply an on-site research library, and look at the possibility of selling assessment-related books and publications to our members at a substantial savings over published prices. These ideas and hundreds of others that the board, committees, staff, and you come up with this year will be given close scrutiny and be carried out if possible, in this your "year of the member!"

Thank you for your confidence and support. We will do our best for you!

As IAAO President George Donatello stated, "Don't reinvent the wheel, use each others already developed courses."

Examples are included in this issue...see example of "Diploma" and credits issued toward continuing education by CTBC & A and authorized by the NJREA board.

Next issue will hopefully review and preview IAAO, AMANJ, and RUTGERS THE STATE UNIVERSITY OF NJ courses appropriate for:

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THE OVERVIEW

Interactive Educational Seminar
on
METHODS & APPLICATION FOR
PRACTICAL USE...OF...CHAPTER 123

This 3/4 day Seminar is one of several presentations being made to Commissioners and Administrators throughout New Jersey.

This Seminar is open to other professionals such as Tax Appeal Attorneys and Real Estate Appraisers who regularly practice in Property Tax Matters.

In "discrimination in Assessment cases", the theoretical object is to test whether the taxpayer has been called upon to pay more than his proper fractional share of the total tax burden.

Basically, Chapter 123 is a "method" of establishing discrimination and the relief to be granted. The method for such application is prescribed by N.J.S.A. 54:51A-6.

Knowledge of and a clear and functional understanding of how and when Chapter 123 works and is applied to any Tax Assessment appeal is FUNDAMENTAL. A strong, confident and knowledgeable Commissioner at the Tax Board Level will insure that a fair and equitable decision making process will take place.

The NJ Association of County Tax Board Commissioners and Administrators has put this special Educational Seminar together for new Commissioners and for Commissioners and Administrators who wish to refresh and review the Chapter 123 methodology.

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CIATA

SENATE, No. 777

AN ACT requiring the certification of licensure of real estate appraisers and amending the title and body of P.L.1991, c.68.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The title of P.L.1991, c.68 is amended to read as follows:

AN ACT [concerning certain] to certify and license real estate appraisers, amending P.L.1971, c.60, P.L.1974, c.46, and P.L.1978, c.73, supplementing Title 45 of the Revised Statutes and making an appropriation.

(cf: P.L.1991, c.68)

2. Section 21 of P.L.1991, c.68 (C.45:14F-21) is amended to read as follows:

21. a. A person who is not certified pursuant to the provisions of this act shall not describe or refer to any appraisal or other evaluation which he performs on real estate located in this State as "a certified appraisal."

b. A person who is not licensed pursuant to the provisions of this act shall not describe or refer to any appraisal or other evaluation which he performs on real estate located in this State as "a licensed appraisal."

c. No person other than a State licensed real estate appraiser [or], a State certified real estate appraiser or a person who assists in the preparation of an appraisal under the direct supervision of a State licensed or certified appraiser shall perform or offer to perform an appraisal assignment in regard to [a federally related transaction] real estate located in this State including, but not limited to, any transaction involving a third party, person, government or quasi-governmental body, court, quasi-judicial body or financial institution.

Nothing in P.L.1991, c.68 (C.45:14F-1 et seq.) shall be construed to preclude a person not licensed or certified pursuant to that act from giving or offering to give, for a fee or otherwise, counsel and advice on pricing, listing, selling, and use of real property, directly to a property owner or prospective purchaser if the intended use of the counsel or advice is solely for the individual knowledge of or use by the property owner or prospective purchaser.

d. Nothing in this act shall be construed to preclude a person not certified or licensed pursuant to this act from assisting in the preparation of an appraisal to the extent permitted under subsection (d) of section 1122 of Title XI of Pub. L.101-73 [12 U.S.C. §3351(d)].

(cf: P.L.1991, c.68, s.21)

3. This act shall take effect immediately.

STATEMENT

This bill requires that all persons performing appraisals on real estate located in this State be certified or licensed in accordance with the provisions of the "Real Estate Appraisers Act," P.L.1991, c.68 (C.45:14F-1 et seq.). Currently, the act requires licensure or certification of real estate appraisers only in regard to federally related transactions and certification or licensure is otherwise voluntary. Under the bill's provisions, all appraisals performed in connection with real estate located in this State, including, but not be limited to, any transaction involving a third party, person, government or quasi-governmental body, court, quasi-judicial body or financial institution, shall be performed by a State certified or licensed appraiser. The bill also provides that a person who assists in the preparation of an appraisal under the direct supervision of a State licensed or certified appraiser may also perform an appraisal assignment. Finally, the bill provides that a person not licensed or certified as an appraiser may nevertheless advise a property owner or prospective purchaser regarding the pricing or selling of real estate, so long as the advice is only for use by the property owner or perspective purchaser.

Requires certification or licensure of real estate appraisers.

ASSEMBLY, No. 1112

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 1112.

This bill requires that all persons performing appraisals on real estate located in this State be certified or licensed in accordance with the provisions of the "Real Estate Appraisers Act," P.L.1991, c.68 (C.45:14F-et seq.). Currently, the act requires licensure or certification of real estate appraisers only in regard to federally related transactions and certification or licensure is otherwise voluntary.

This bill would clarify that all appraisals performed in connection with real estate located in this State, which shall include, but not be limited to, any transaction involving a third party, person, government or quasi-governmental body, court, quasi-judicial body or financial institution, shall be performed by a State certified or licensed appraiser. The bill also provides that a person who assists in the preparation of an appraisal under the direct supervision of a State licensed or certified appraiser may also perform an appraisal assignment.



INSIDE IAAO

IAAO's Assessment Standards, Code of Ethics and Standards of Professional Conduct, and USPAP: How Do They Relate to Each Other?

The IAAO Executive Board adopted the following statement clarifying the relationships among IAAO's standards, the IAAO Code of Ethics and Standards of Professional Conduct, and the Uniform Standards of Professional Appraisal Practice (USPAP), published by The Appraisal Foundation. In USPAP, Standard 6 on mass appraisal has particular relevance for assessors.

There has been some confusion among IAAO members as to the relationships among the IAAO assessment standards, the IAAO *Code of Ethics and Standards of Professional Conduct*, and the USPAP. How do they relate to each other? Which one takes precedence?

There currently are fourteen different assessment standards that have been adopted by the IAAO. These range from the *Standard on Assessment Appeal* to the *Standard on Mass Appraisal of Real Property* to the *Standard on the Valuation of Property Affected by Environmental Contamination*. These assessment standards are advisory in nature and their use, or compliance with them, is purely voluntary, not mandatory. They are to be used by the

reader as a tool for instruction. They are technical advisory road maps for the IAAO member. Therefore, they are properly called technical assessment standards.

The IAAO *Code of Ethics and Standards of Professional Conduct* and USPAP, however, are mandatory and all their provisions must be adhered to. If there is a situation where one or the other is more restrictive, then the member must adhere to the more restrictive policy.

In summary, the "technical assessment standards" are simply advisory in nature and the use of, or compliance with, such standards is purely voluntary, whereas the *Code of Ethics and Standards of Professional Conduct* and USPAP are mandatory and all their provisions must be adhered to.

A complete set of the IAAO's technical standards may be purchased from IAAO for \$50. Individual standards are \$5 each (\$8 for nonmembers). The 1994 edition of USPAP may be purchased for \$25 from The Appraisal Foundation, Suite 900, 1029 Vermont Ave., NW, Washington, DC 20005-3517; phone: 202/347-7722.

Assessment Standards of the International Association of Assessing Officers

Guide to Assessment Administration Standards

Standard on the Application of the Three Approaches to Value in Mass Appraisal

Standard on Assessment Appeal

Standard on Cadastral Maps and Parcel Identifiers

Standard on Certification of Assessing Officers and Valuation Personnel

Standard on Contracting for Assessing Services

Standard on Education and Training for Assessing Officers

Standard on Facilities, Computers, Equipment, and Supplies

Standard on Mass Appraisal of Real Property

Standard on Property Use Codes

Standard on Public Relations

Standard on Ratio Studies

Standard on Urban Land Valuation

Standard on Valuation of Personal Property

Standard on the Valuation of Property Affected by Environmental Contamination

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LETTERS TO THE EDITOR

THOUGHT FOR THE DAY

"The art of taxation consists in so plucking the
goose as to obtain the largest amount of feathers
with the least amount of hissing."

—Jean Baptiste Colbert

Submitted Anonymously



INVEST IN YOUR FUTURE BY ATTENDING NAIFA EDUCATIONAL PROGRAMS

2.7 FINANCIAL ANALYSIS OF INCOME PROPERTIES USING THE HP 19B II

February 23-24, 1995

Class Hours: 8:00 a.m. to 5:00 p.m.

This course has been designed to teach the students how to use the HP 19B II calculator to understand the mathematics of appraising using the built-in menu functions to make calculations. Instructions on the use of this calculator will set the foundation for understanding the various calculations students will solve in the income-capitalization courses.

CONTENT

- Basic mathematical calculations
- Time value and money
- Cash flow calculations
- Problem solver calculations
- Basic statistics
- Storage and recall functions
- Calculating amortization schedules
- Calculating mortgage balances
- Calculating mortgage constants
- Calculating time intervals
- Using the HP infrared printer
- Calculating cash equivalency
- Understanding the solver menu

15 NAIFA recertification credits

2.1 INTRODUCTION TO INCOME PROPERTY AND APPRAISING

March 28-31, 1995

Class Hours: 8:00 a.m. to 5:00 p.m.

This course is designed to introduce students to the appraisal of properties designed to be rented to tenants. During the course, students will process the income from such properties, develop reconstructed income statements, identify and use the elements of comparison for various types of properties to obtain indications of value, apply direct capitalization and develop capitalization rates using various methods of recapture. The first part of the senior member examination will be given at the end of this course.

30 NAIFA recertification credits

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LOCATION

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CERTIFICATES

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The NAIFA member discount is available to all CAPPS members (ASA, IRWA, NSREA) when proof of membership is supplied with the course registration form.

TUITION

Tuition for the two-day Financial Analysis of Income Properties Using the HP 19B II course is \$445 (does not include meals or lodging). Tuition includes the cost of the HP 19B II calculator; students who already have this calculator may deduct \$150 from the registration fee.

Tuition for the four-day Introduction to Income Property Appraising course is \$430 (does not include meals or lodging).

Tuition will be fully refunded if the course is canceled or if the student is unable to attend the course.

NAIFA is not responsible for expenses incurred by the student (air fare, hotel, etc.) if a course is canceled. *Courses are subject to cancellation if enrollment is insufficient.*

NAIFA must have your personal social security number to record your education for your transcripts. No smoking in classroom.

TEXTBOOKS

Income Property Appraising, \$24.95. Calculators are required.

Financial Analysis by NAIFA is included in the tuition. The HP 19B II calculator is required.

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Prerequisites—None

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Dates: Course 410 (Part A): May 17, 18, 1995
Course 420 (Part B): May 19, 20, 1995

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am until 5:00 pm
Saturday 8:00 am until 12:30 pm

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(includes 3 luncheons)
\$350—Course 410 only (includes 2
luncheons)
\$175—Course 420 only (includes 1
luncheon)

Instructors: Joseph H. Martin, MAI
Jon P. Brody, MAI, SRA

ASSESSORS WANTED

TAX ASSESSOR—Woodbridge Township, Middlesex County, 29000 line items, salary negotiable. For appointment contact John McCormac, 908-634-4500, extension 6450.

MUNICIPAL TAX ASSESSOR—The Borough of Washington is currently seeking the services of a full-time tax assessor to replace retiring assessor on June 1, 1995. Certification required as well as experience with computer assessments and defense of appeals and reassessments. Located in Warren County, New Jersey the Borough has 2,145 property tax line items. Office provided without clerical assistance. Applicant should possess good public relations skills. Salary based upon experience. Applicants interested in part-time employment may apply. Resumes with salary history and requirements should be submitted by April 1, 1995 to Borough of Washington, 100 Belvidere Avenue, Washington, N.J. 07882-1426. The Borough is an Equal Employment Opportunity Employer.

TAX ASSESSOR—Township of Ocean, Monmouth County; 11 square miles, 25,000 population; 8,700 line items; Seeks full time position. Familiarity with computer system. Strong communication & public relations skills a must. Send resumé to: David R. Kochel, Township Manager, 399 Monmouth Rd., Oakhurst, NJ 07755-1589.

COMPUTERIZED VALUATION SUBJECT OF NATIONAL CONFERENCE

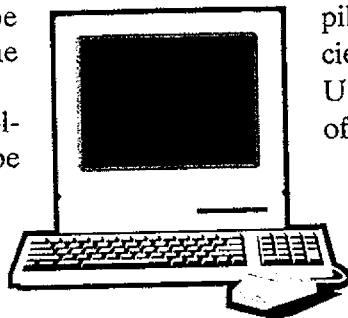
Electronic commerce has arrived in the world of Valuation. Real estate professionals are all moving rapidly to the paperless valuation transaction. This means that all valuation documents can be transmitted through computers, via phone modem.

The revolution that computer technology is created in valuation assessing will be the subject of a National Conference on Electronic Data Interchange (EDI) Appraisal set for March 30-31 in Washington, D.C. The conference is presented by the National Association of Real Estate Appraisers (NAREA).

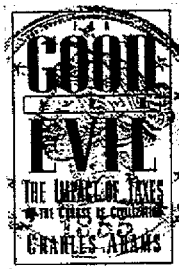
The program will offer speakers who will pro-

vide the basic technological principles of EDI. Other topics to be covered include the application and use of computer technology and reports on pilots programs conducted by federal agencies such as the Department of Housing and Urban Development and the Department of Veterans Affairs.

An exhibit of the latest computer hardware and valuation software documentation will highlight the conference, including a display of the new technology in digital photography. All of these items are essential for travel on the Information Super Highway.



BOOK REVIEW:
FOR GOOD AND EVIL
THE IMPACT OF TAXES ON THE
COURSE OF CIVILIZATION

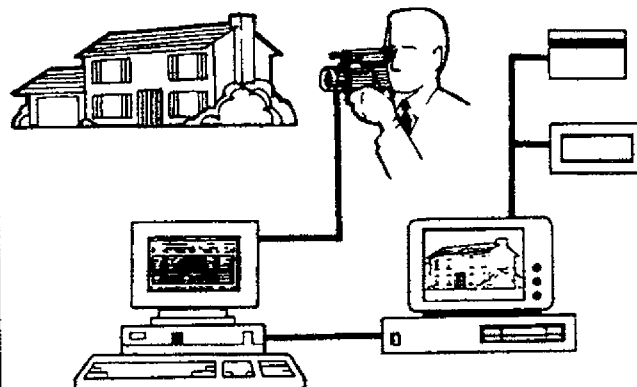


The very word *taxes* sends shivers up spines. Yet, very few realize the tremendous impact that taxation has had on civilization. Charles Adams changes that in this fascinating history. Taxation, says Mr. Adams, has been a catalyst of history, the powerful influence if not the direct cause of many of the famous events of history that have marched across the world's stage as empires collided and battled for the right to tax the loser. *For Good and Evil* is the first book to examine how taxation has been a key factor in world events. Like the Rosetta Stone—a tax document—the book sheds fresh light onto much of history.

Did you know that biblical Israel split after Solomon's death because his son refused to cut taxes? That Rome rose to greatness due to a liberal tax regime but declined under corrupt and inefficient ones? That in Britain, Lady Godiva made her famous ride as a tax protest? That in Switzerland William Tell shot the apple off his son's head as punishment for tax resistance? Or that Fort Sumter, where the first shots of the Civil War were fired, was a Customs House?

Combining facts with thought-provoking comment he frequently draws parallels between tax events of the past and those of the present. Finding fault with the way Western civilization is taxed, Adams provides ideas for curing those faults by using the valuable lessons that history has taught. The special value of this refreshing new look at history lies in the lessons to be drawn by all thinking taxpayers. "Taxes are the fuel that makes civilization run, but how we tax and spend determines to a large extent whether we are prosperous or poor, free or enslaved, and most importantly, good or evil." Once you read *For Good and Evil*, you'll never feel the same about taxes!

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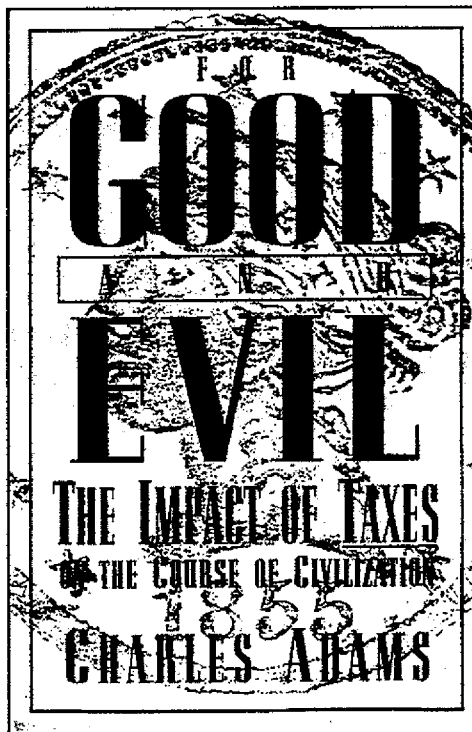
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Inside
Page
11

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