# TABLE OF CONTENTS

- **STUDENT STATEMENT WHICH MUST BE SIGNED BEFORE A COURSE GRADE WILL BE ISSUED FOR ANY UNIVERSITY PURPOSE TO ANY STUDENT WHO IS TAKING THIS EXAMINATION AS A “TAKE HOME” EXAMINATION** .......................................................... -3-

- **INSTRUCTIONS FOR TAKING THIS EXAMINATION AS AN “IN HOUSE” EXAMINATION** .......................... -4-
  - Day, Date And Time Of “In House” Examination .................................................. -4-
  - Number And Types Of Requested Examination Responses .................................. -4-
  - Pages And Parts Of This Examination Document ................................................ -4-
  - Your Examination Number .............................................................................. -4-
  - Preparing Your Written Examination Responses ............................................. -4-
  - Grade Points ................................................................................................. -4-
  - Reference Materials ....................................................................................... -4-
  - Your Assumptions ......................................................................................... -4-
  - Assumptions Concerning Relationships Between And Among Examination Requested Response Paragraphs And Examination Facts Paragraphs ................................................................. -4-
  - Assumptions Concerning Methods Of Accounting And Periods Of Accounting .................................................. -4-
  - Assumptions Concerning Joint Income Tax Returns For Individuals .................. -4-
  - Assumption Concerning Statutes Of Limitations ............................................. -4-

- **INSTRUCTIONS FOR TAKING THIS EXAMINATION AS A “TAKE HOME” EXAMINATION** ........ -5-
  - Do Not Read This Examination Document Until You Have Read The "Student Statement" .......................................................... -5-
  - Time And Date For Taking Examination And Details For Obtaining This Examination Document And For Submitting Your Examination Responses To Professor Jegen .................................................. -5-
  - Number And Types Of Requested Examination Responses ................................ -5-
  - Pages And Parts Of This Examination Document ............................................. -5-
I hereby state that for the purposes of the written examination for the State And Local Taxation (DN805) course for the Fall, 2001 semester, I used, to the extent that I wanted to (or could), the standard tax, legal, accounting, insurance, business, and philanthropy reference works, the class materials, and my student notes. Further, I discussed, to the extent that I wanted to (or could), the examination document with other students and, if I wished to, with other individuals. However, I, alone, prepared my written examination responses to each of the requested examination responses. That is, I did not have any other person prepare or directly or indirectly contribute, by dictation or otherwise, to the writing of any of my written examination responses nor did I allow (nor will I allow) any other person to read all or any portion of my partially completed or fully completed written examination responses for the purpose of helping another person prepare his or her written examination responses nor did I (nor will I) directly or indirectly contribute, by dictation or otherwise, to the writing of any other student's written examination responses. Further, I did not read all or any of any other student's partially completed or fully completed written examination responses nor did I, in any other manner, acquire information about another person's partially completed or fully completed written examination responses nor did I incorporate all or any of any other student's written examination response into one or more of my written examination responses. I am executing this student statement without any reservation whatsoever and without attempting to construe this student statement in a liberal manner so as to avoid the clear purpose for which this student statement is being issued. I understand that, if I sign this student statement and if this student statement is inaccurate with respect to the matters covered herein as such matters apply to me, then I might receive an "F" as a grade in this course.

Date Of Signing                               Signature Of Student Who Is Taking This Examination

Examination Number                       Printed Name Of Student Who Is Taking This Examination

* Professor Jegen's statement to students. If you are unable to truthfully execute this statement, then you should not execute this statement, and you will not be penalized, gradewise, for not doing so, and then, you should not take this examination and you should take the examination which is to be given for the next course which covers the material of this examination.

DATE ON WHICH STUDENT STATEMENT AND YOUR WRITTEN EXAMINATION RESPONSES ARE GIVEN TO SUSIE AGNEW (OR TO ONE OF HER ASSISTANTS)

INITIALS OF SUSIE AGNEW (OR OF ONE OF HER ASSISTANTS)
INSTRUCTIONS FOR TAKING THIS EXAMINATION AS AN “IN HOUSE” EXAMINATION

1. **Day, Date And Time Of “In House” Examination.** The day, date, and time of the “in house” examination is Tuesday, December 11, 2001 at 1:00 PM.

2. **Number And Types Of Requested Examination Responses.** There are 15 requested examination responses in this examination document. Account for each requested examination response.

3. **Pages And Parts Of This Examination Document.** There are 11 pages in this examination document.

4. **Your Examination Number.** Record your examination number (which can be your social security number or any other number assigned to you by the administration of the law school under the then current examination procedures of the law school) on your student statement.

5. **Preparing Your Written Examination Responses.** You must use your own computer, in the assigned class room, or a university computer, in the designated area, to type your examination responses. In either case, you may have the computer, which you use, approved for taking the examination by the appropriate university representative. **YOU SHOULD CALL AN APPROPRIATE LAW SCHOOL REPRESENTATIVE IN ORDER TO MAKE THE APPROPRIATE COMPUTER/EXAM ARRANGEMENTS NOW.**

6. **Grade Points.** The grade points for each requested examination response are stated in the table below. The total points in this examination is: 8,500. Your examination responses will receive higher scores: if your examination responses are detailed examination responses; and, if you clearly demonstrate, by citations and quotations, that you have done the independent research projects (with respect to the current constitution provisions, statutes, cases, regulations, revenue rulings, revenue procedures, bulletins, advices, articles, etc.) which were assigned for class discussions during the course and that you have done other independent research (using current constitution provisions, statutes, cases, regulations, revenue rulings, revenue procedures, bulletins, advices, articles, etc.) which is expected in order to fully answer each of the requested examination responses.

7. **Reference Materials.** Prior to taking the examination, you may use any standard reference materials, such as, the Federal and State of Indiana Constitutions and all Federal and State of Indiana statutory provisions, cases, regulations, rulings, notices, etc. and all other published materials and your (and/or any other individual’s) class notes. However, during the examination session you may not use any materials to help you answer the examination questions.

8. **Your Assumptions.** Record, as part of your written examination responses, any assumptions which are not indicated clearly by the facts and which assumptions you think are necessary in order to prevent misinterpretation of your written examination responses.

9. **Assumptions Concerning Relationships Between And Among Examination Requested Response Paragraphs And Examination Facts Paragraphs.** Except as otherwise stated, the separate paragraphs of requested examination responses and the separate paragraphs of facts are not related to each other.

10. **Assumptions Concerning Methods Of Accounting And Periods Of Accounting.** Except as otherwise stated, all of the facts pertain to taxpayers who use the cash method of accounting and the calendar year, unless, for example, the taxpayer has business with inventories, in which case, such taxpayer uses the accrual method of accounting with respect to the business which involves such inventories.

11. **Assumptions Concerning Joint Income Tax Returns For Individuals.** Except as otherwise stated, all of the individuals involved in the facts are residents of the State of Indiana and who are married and who file joint income tax returns.

12. **Assumption Concerning Statutes Of Limitations.** Except as otherwise specifically requested, assume that there is no applicable statute of limitations. That is, do not concern yourself with any statute of limitations, unless the requested examination response requests that you do so.
INSTRUCTIONS FOR TAKING THIS EXAMINATION AS A “TAKE HOME” EXAMINATION

1. Do Not Read This Examination Document Until You Have Read The "Student Statement". The student statement immediately follows the table of contents. You should read the student statement prior to reading all or any part of this examination document. You should sign and date your student statement after fully completing your examination responses.

2. Time And Date For Taking Examination And Details For Obtaining This Examination Document And For Submitting Your Examination Responses To Professor Jegen. You may participate in this examination from the time when this examination is made available to you until Monday, at 1:00 p.m. on January 7, 2002. Prior to turning in your written examination responses: make a copy of your written examination responses; and, staple your student statement and your written examination responses together, putting your student statement as the first page of the stapled pages. Turn in your student statement and your written examination responses at the law school building to Susie Agnew (who is the Recorder at the law school) during the School of Law’s normal business hours on or before 1:00 p.m. on Monday, January 7, 2002. You must have Susie Agnew (or one of her assistants) record, on your student statement, the date on which you turn in your student statement and your written examination responses. You may keep all of the pages (or copies thereof) of this examination document. IF YOU ARE A GRADUATING SENIOR, SPEAK WITH SUSIE AGNEW WITH RESPECT TO THE DATE ON WHICH YOUR EXAMINATION RESPONSES ARE DUE, WHICH DATE MAY BE EARLIER THAN THE ABOVE STATED DATE.

3. Number And Types Of Requested Examination Responses. There are 15 requested examination responses in this examination document. Account for each requested examination response.

4. Pages And Parts Of This Examination Document. There are 11 pages in this examination document.

5. Your Examination Number. Record your examination number (which can be your social security number or any other number assigned to you by the administration of the law school under the then current examination procedures of the law school) on your student statement.

6. Preparing Your Written examination Responses. Type your written examination responses on 8.5 x 11 sheets of paper and begin each of your written examination responses (to each requested examination response) on a separate sheet of paper. You may only use a typewriter and/or a computer and a printer and/or a duplicator in order to record and submit your student statement and your written examination responses.

7. Using Your Written Examination Responses To Meet The School Of Law’s Independent Research And Writing Requirement. If you intend to use your written examination responses to meet the School of Law’s independent research and writing requirement, then be certain to determine, from Susie Agnew, during the School of Law’s normal business hours, what these requirements are.

8. Grade Points. The grade points for each requested examination response are stated in the table below. The total points in this examination is: 8,500. Your examination responses will receive higher scores: if your examination responses are detailed examination responses; and, if you clearly demonstrate, by citations and quotations, that you have done the independent research projects (with respect to the current constitution provisions, statutes, cases, regulations, revenue rulings, revenue procedures, bulletins, advices, articles, etc.) which were assigned for class discussions during the course and that you have done other independent research (using current constitution provisions, statutes, cases, regulations, revenue rulings, revenue procedures, bulletins, advices, articles, etc.) which is expected in order to fully answer each of the requested examination responses.

9. Reference Materials. During the “take home” period of time, you may use any standard reference materials, such as, the Federal and State of Indiana Constitutions and all Federal and State of Indiana statutory provisions, cases, regulations, rulings, notices, etc. and all other published materials and your (and/or any other individual’s) class notes. However, at this time, you should read, again, the student statement, above.
10. **Your Assumptions.** Record, as part of your written examination responses, any assumptions which are not indicated clearly by the facts and which assumptions you think are necessary in order to prevent misinterpretation of your written examination responses.

11. **Assumption Concerning Relationships Between And Among Examination Requested Response Paragraphs And Examination Facts Paragraphs.** Except as otherwise stated, the separate paragraphs of requested examination responses and the separate paragraphs of facts are not related to each other.

12. **Assumptions Concerning Methods Of Accounting And Periods Of Accounting.** Except as otherwise stated, all of the facts pertain to taxpayers who use the cash method of accounting and the calendar year, unless, for example, the taxpayer has a business with inventories, in which case, such taxpayer uses the accrual method of accounting with respect to the business which involves such inventories.

13. **Assumptions Concerning Joint Income Tax Returns For Individuals.** Except as otherwise stated, all of the individuals involved in the facts are residents of the State of Indiana and who are married and who file joint income tax returns.

14. **Assumption Concerning Statutes Of Limitations.** Except as otherwise specifically requested, assume that there is no applicable statute of limitations. That is, do not concern yourself with any statute of limitations, unless the requested examination response requests that you do so.
### Requested Examination Responses

<table>
<thead>
<tr>
<th>Requested Examination Response Number</th>
<th>Examination Points Assigned To Examination Response</th>
<th>Requested Examination Responses And Statements Of Facts</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>1,000</td>
<td>Turn in the death tax returns or other required legal documents and the appropriate schedules thereto, for determining the Indiana inheritance tax and the Indiana estate tax and Indiana generation skipping transfer tax, which you prepared as part of the requirements of this course, with respect to the facts which were distributed to you during the course.</td>
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<tr>
<td>2.</td>
<td>500</td>
<td>Explain the relationships and differences among the State of Indiana’s inheritance tax law and the State of Indiana’s estate tax law and the Federal estate tax law.</td>
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<tr>
<td>3.</td>
<td>500</td>
<td>Discuss, in detail, your interpretations of the following opinions and decisions: National Bellas Hess; Complete Auto Transit; Quill; Orvis; and, VIP. In so doing, state which of the opinions in these cases represent the current status of the laws to which they are directed and state which of the opinions of these cases represent your views as to what the law should be in this area.</td>
</tr>
<tr>
<td>4.</td>
<td>500</td>
<td>Discuss, in detail, the functions, purposes, goals, and status of the group which produced The Streamlined Sales Tax Project. In so doing, discuss, in detail, how the group was established and the composition of the group and describe the work which the group has done in the past and what work the group is likely to do in the future. Also, discuss, in detail, the status of The Streamlined Sales Tax Project and the prospects that any recommendations of the group will be enacted by Congress. Also, discuss the State of Indiana’s participation in and with The Streamlined Sales Tax Project.</td>
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</tbody>
</table>
| 5. | 500 | Read Statement Of Facts Number One, below.

Then, choose one very important type of equipment for each of CCC, Inc.’s eight businesses, which CCC, Inc. would have purchased, used, etc. and which would have not required CCC, Inc. to pay Indiana sales or use tax based on one or more of the specific statutory exemptions in the Indiana sales and use tax law. Choose a different type of equipment for each of the eight businesses and discuss, in detail, why a particular Indiana sales and use tax statutory exemption would be applicable. Do not discuss the same exemption more than once. Thus, in fulfilling this response, you will have discussed eight different statutory exemptions.

Use common sense to speculate as to the types of important equipment which CCC, Inc. needs in order for CCC, Inc. to operate these eight businesses.

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| 6. | 500 | Read Statement Of Facts Number One, below, and the responses which you made to the requested response in paragraph 5.

Then, discuss, in detail, whether or not the State of Illinois would also exempt the purchases of the same equipment (under the same facts) which you stated (in such paragraph 5) were exempt from the Indiana statutory sales and use tax law.

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| 7. | 500 | Discuss, in general, the similarities and differences of the State of Indiana’s income tax laws.

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| 8. | 1,000 | Read Statement Of Facts Number One, below.

Then, discuss, in detail, the applications of all of the State of Indiana income tax laws to CCC, Inc. Be very specific in stating why type of income from CCC, Inc. activities would be taxable (and why) under each of the Indiana income tax laws and what type of income from CCC, Inc. activities would not be taxable (and why) under each of the Indiana income tax laws.

Also, estimate which of the Indiana income tax laws would produce the highest income tax for CCC, Inc. to pay.

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<p>| 9. | 500 | Discuss, in general, the types of income tax law or laws which are imposed by the State of Illinois and compare such law or laws to the State of Indiana income tax laws. |</p>
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<tr>
<td><strong>10.</strong></td>
<td>500</td>
<td>Describe, in detail, what the procedure is to be for a taxpayer to appeal a property tax assessment from the lowest hearing level through any procedure which may be granted by the Indiana State Board of Tax Commissioners. Do not discuss any Indiana Tax Court procedure.</td>
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<td><strong>11.</strong></td>
<td>500</td>
<td>Describe, in detail, what the procedure is to be in the State of Indiana in order to value real property for the purpose of imposing the property tax of the State of Indiana.</td>
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<tr>
<td><strong>12.</strong></td>
<td>500</td>
<td>Describe, in detail, what the procedure is to be in the State of Indiana in order to value tangible personal property for the purpose of imposing the property tax of the State of Indiana. In so doing, make it clear what type of tangible personal property is subject to the property tax of the State of Indiana.</td>
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<td><strong>13.</strong></td>
<td>500</td>
<td>Discuss, in detail, the exemptions with respect to the property tax law in the State of Indiana. You should make clear that you fully understand these exemptions. Group the exemptions by the types of exemptions, for example: the exemptions which are provided to charitable organizations; the exemptions which are generally thought of as interstate commerce exemptions; and, similar groupings.</td>
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<td><strong>14.</strong></td>
<td>500</td>
<td>Describe, in detail, the jurisdiction of the Indiana Tax Court. In so doing, discuss the difference between the Indiana Tax Court’s jurisdiction over matters which arise from property tax issues and matters which arise from other tax issues, including the service of process.</td>
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<td><strong>15.</strong></td>
<td>500</td>
<td>Discuss, in detail, the statutory law and the Indiana Tax Court case law with respect to the conditions which must be met in order for the Indiana Tax Court to issue an injunction. In so doing, cite all of the applicable cases which you read in order to respond to this examination response request.</td>
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<tr>
<td><strong>Total Points</strong></td>
<td><strong>8500</strong></td>
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STATEMENT OF FACTS NUMBER ONE

CCC, Inc. is an Indiana for profit corporation which is located in the State of Indiana. CCC, Inc. is directly involved in operating eight separate, major businesses as divisions of CCC, Inc. However, CCC, Inc. indirectly operates an eighth business, through a corporation which is a subsidiary of CCC, Inc. This latter corporation is named Research, Inc. and CCC, Inc. owns 100% of the common stock of Research, Inc., which is an Indiana for profit corporation. Big Time, Inc. is admitted to do business in each of the states which are involved in statement of facts number one, specifically, CCC, Inc. is incorporated in the State of Indiana, and CCC, Inc. is admitted to do business in the State of Ohio and the State of Illinois. With respect to the marketing of all of the products of CCC, Inc., CCC uses a combination of employee salespersons and manufacturer representatives.

Business One is the growing of grain crops in the State of Indiana and the selling of harvested grain. Some of CCC, Inc.'s harvested grain is used in the other businesses which are operated by CCC, Inc. and some of the harvested grain is sold to owners of businesses, some of which operate the business in the State of Indiana, the State of Ohio, and the State of Illinois. Some of CCC, Inc.'s harvested grain is delivered to the purchasers by CCC, Inc.'s grain trucks and some of CCC, Inc.'s harvested grain is picked up by the purchasers. CCC, Inc.'s grain trucks are built for the purpose of hauling the harvested grain to CCC, Inc.'s grain elevators and for hauling the grain to some of the purchasers of the grain. In addition, CCC, Inc. purchases separate, refillable containers to put on CCC, Inc.'s grain trucks in order to deliver the grain, which containers can be returned by the purchasers of the grain for a refund.

Business Two is the making of CCC, Inc.'s harvested grain into cereal, in the State of Indiana, which cereal is sold to restaurants and groceries in the State of Indiana, the State of Ohio, and the State of Illinois. Some of the cereal is sold in CCC, Inc.'s restaurants to customers who eat the cereal in the restaurants, for example, for breakfast. CCC, Inc. uses CCC, Inc.'s grain trucks in order to haul CCC, Inc.'s harvested grain to CCC, Inc.'s cereal manufacturing plants and CCC, Inc. uses CCC, Inc.'s cereal trucks for the purpose of delivering the boxes of cereal. CCC, Inc.'s cereal trucks are built for the purpose of hauling the filled cereal boxes. However, some of the cereal is picked up at CCC, Inc.'s cereal manufacturing plant and transported in the trucks of the purchasers to the purchaser's business locations in the State of Indiana, the State of Ohio, and the State of Illinois. Some of CCC, Inc.'s restaurants are operated by CCC, Inc. and some of the restaurants are rented to other persons, who operate the restaurants and who pay rent to CCC, Inc.

Business Three is the manufacturing, in the State of Indiana, all of the boxes which CCC, Inc. uses for packing and distributing the cereals which CCC, Inc. manufactures. In any year in which CCC, Inc. manufactures more cereal boxes than CCC, Inc. can use for CCC, Inc.'s cereal packaging, CCC, Inc. sells the extra cereal boxes to other cereal manufacturers in the State of Indiana, the State of Ohio, and the State of Illinois. CCC, Inc.'s cereal trucks pick up (at CCC, Inc.'s box manufacturing plant) and deliver (to CCC, Inc.'s cereal manufacturing plants) the boxes which CCC, Inc. uses for packaging CCC, Inc.'s cereal. CCC, Inc. uses CCC, Inc.'s grain trucks in order to haul CCC, Inc.'s extra boxes to some of the purchasers of the boxes. However, some of the extra boxes are picked up at CCC, Inc.'s box manufacturing plant and transported in the trucks of the purchasers to the purchaser's business locations in the State of Indiana, the State of Ohio, and the State of Illinois.

Business Four is the raising of cattle. CCC, Inc. uses CCC, Inc.'s grain trucks for the purpose of hauling CCC, Inc.'s harvested grain to CCC, Inc.'s cattle ranches for the purpose of feeding CCC, Inc.'s cattle. All of CCC, Inc.'s cattle ranches are in the State of Ohio. CCC, Inc. uses CCC, Inc.'s cattle trucks for hauling: CCC, Inc.'s cattle from one of CCC, Inc.'s ranches to another of CCC, Inc.'s ranches; CCC, Inc.'s cattle from all of CCC, Inc.'s ranches to the live cattle market, in the State of Ohio, at which location live cattle are sold to purchasers of slaughter houses; and, CCC, Inc.'s cattle to CCC, Inc.'s slaughter houses. CCC, Inc.'s cattle trucks are built for the purpose of hauling the cattle.

Business Five is the slaughtering of cattle in the State of Ohio and shipping the beef to various restaurants and grocery stores in the State of Indiana, the State of Ohio, and the State of Illinois. Some of the beef is sent to CCC, Inc.'s restaurants, as stated below. CCC, Inc. uses CCC, Inc.'s refrigerated trucks for the purpose of hauling CCC, Inc.'s beef to some of the restaurants and grocery stores. CCC, Inc.'s refrigerated trucks are built for the purpose of hauling slaughtered beef. CCC, Inc. uses CCC, Inc.'s grain trucks in order to haul CCC, Inc.'s harvested grain to CCC, Inc.'s cereal manufacturing plants and CCC, Inc. uses CCC, Inc.'s cereal trucks for the purpose of delivering the boxes of cereal. CCC, Inc.'s cereal trucks are built for the purpose of hauling the filled cereal boxes. However, some of the beef is picked up at CCC, Inc.'s slaughter house and transported in the trucks of the purchasers to the purchaser's business.
locations in the State of Indiana, the State of Ohio, and the State of the cereal

Business Six is the operating of restaurants which are located in the State of Indiana, the State of Ohio, and the State of Illinois and which restaurants are open only for breakfasts (at which time the restaurants sell cereals which CCC, Inc. manufactures) and for dinners (at which time the restaurants sell beef from CCC, Inc.'s cattle).

Business Seven is the manufacturing of automobile and truck fuel in the State of Ohio from CCC, Inc.'s harvested grain and shipping the fuel to various fuel stations in the State of Indiana, the State of Ohio, and the State of Illinois. Some of the fuel is sent to CCC, Inc.'s fuel stations, as stated below. CCC, Inc. uses CCC, Inc.'s grain trucks for the purpose of hauling CCC, Inc.'s harvested grain to CCC, Inc.'s fuel manufacturing plants for the purpose of manufacturing the fuel. CCC, Inc. uses CCC, Inc.'s fuel trucks for the purpose of delivering the boxes of cereal. CCC, Inc.'s cereal trucks are built for the purpose of hauling the filled cereal boxes. However, some of the fuel is picked up at CCC, Inc.'s fuel manufacturing plant and transported in the trucks of the purchasers to the purchaser's fuel stations in State of Indiana, the State of Ohio, and the State of Illinois.

Business Eight is the selling of CCC, Inc.'s manufactured fuel, at the retail level, to customers who drive to CCC, Inc.'s fuel stations, all of which are in the State of Indiana, State of Ohio, and State of Illinois. Some of CCC, Inc.'s fuel is sent to the State of Illinois in CCC, Inc.'s fuel trucks to be stored in special underground tanks at airports and at bus terminals. This fuel is used by airline corporations and bus transportation corporations in order to fuel airplanes and buses. These corporations' airplanes and buses are in almost constant use as the airplanes and buses move the corporations' executives from city to city throughout the United States of America and in Europe. Some of CCC, Inc.'s restaurants are operated by CCC, Inc. and some of the restaurants are rented to other persons, who operate the restaurants and who pay rent to CCC, Inc.

During the years involved, CCC, Inc. received income from the sales of CCC, Inc.'s products and from the rent of some of CCC, Inc.'s restaurants and fuel stations. In addition, CCC, Inc. has received: dividends from various stocks; interest from bonds issued by State of Indiana, State of Ohio, and State of Illinois corporations; interest from bank accounts which CCC, Inc. maintains in the State of Indiana, State of Ohio, and State of Illinois; rent from investment properties which are located in the State of Indiana, State of Ohio, and State of Illinois; long term capital gains from sales of vacant land in the State of each of such five states and from the sale of vacant land in California; and, long term capital losses from sales of vacant land in each of such five states and from the sale of vacant land in California.