

OAJ - Thornton
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UNITED STATES TAX COURT

MILO L. & SHARLYN K. SHELLITO,)	
)	
Petitioners,)	
)	
v.)	Docket No. 10223-06
)	
COMMISSIONER OF INTERNAL REVENUE,)	
)	
Respondent.)	

DECISION

Pursuant to the stipulation of the parties in this case, and incorporating herein the facts stipulated by the parties as the findings of the Court, it is

ORDERED AND DECIDED: That there is no deficiency in income tax due from petitioners for the taxable year 2001 and that there is an overpayment in income tax for the taxable year 2001 in the amount of \$2,854.00. Of the total amount overpaid, \$354.00, \$500.00, \$500.00, \$500.00, \$500.00, and \$500.00 which amounts were paid on September 6, 2011, September 29, 2011, November 1, 2011, December 1, 2011, January 4, 2012, and January 26, 2012, respectively, which dates were after the mailing of the notice of deficiency.

That there is no deficiency in income tax due from, nor overpayment due to, petitioners for the taxable year 2002; and

That there is no penalty due from petitioners for the taxable year 2002, under the provisions of I.R.C. § 6662(a).

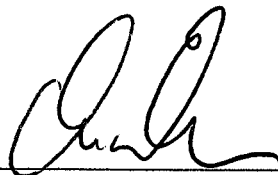
(Signed) Michael B. Thornton
Judge

Entered: MAR 1 2012

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SERVED MAR - 1 2012

It is hereby stipulated that the Court may enter the foregoing decision in this case in accordance with the stipulation of the parties submitted herewith.



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Date: 2/21/12

Date: FEB 23 2012