

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Dutchess, at 10 Market Street, Poughkeepsie, New York on the \_\_\_\_ day of \_\_\_\_\_, 2020.

PRESENT: Hon. JAMES V. BRANDS, JHO

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS

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In the Matter of the Application of  
DOUGLAS R. DUNDAS and JENNIFER DUNDAS,

CONSENT JUDGMENT

Petitioners,  
- against -

Index Nos.: 2019-52893  
2020-52029

TOWN OF CLINTON, a Municipal  
Corporation, its ASSESSOR and its  
BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of Certain Real Property  
under Article 7 of the Real Property Tax Law.

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The above petitioners having heretofore served and filed Petitions and Notices to review the tax assessments fixed by the Town of Clinton for the assessment rolls of 2019 and 2020, upon certain real property located in the Town of Clinton, Dutchess County, New York, and designated as tax map No.: 6466-00-468544 (211 Allen Road) on the Official Assessment Map of the Town of Clinton, and

The petitioners having appeared by Corbally, Gartland and Rappleyea, LLP, Allan B. Rappleyea, Esq., and the respondents having appeared by Cappillino, Rothschild & Egan, LLP, Shane J. Egan, Esq., Attorney for the Town of Clinton, and the parties having

made their settlement, it is hereby

ORDERED, that the assessments on the property referred to herein, be and the same are hereby reduced, corrected and fixed for the 2019 and 2020 assessment rolls as follows:

DESCRIPTION (Tax Map No.): 6466-00-468544 (211 Allen Road)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2019	1,785,000	1,650,000	135,000
2020	1,785,000	1,650,000	135,000

; and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries that the same have been corrected by the authority of this Order; and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioners by the HYDE PARK CENTRAL SCHOOL DISTRICT, for tax map No.: 6466-00-468544 (211 Allen Road), the amount of School taxes, and Library taxes if applicable, paid by the petitioners as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute; and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioners by the Dutchess County Commissioner of Finance, for tax map No.: 6466-00-468544 (211 Allen Road), the amount of County, Special District and any other ad valorem taxes paid by the petitioners as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute; and it is further,

ORDERED, that all refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law; provided however interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with Notice of Entry upon the respective taxing authorities, and it is further

ORDERED, that petitioners waive any refund from the Dutchess County Commissioner of Finance for the 2019 and 2020 tax rolls, relative to the amount, if any, solely of Town taxes paid by petitioners as taxes against the erroneous assessment in excess of what the taxes would have been if the said assessments made for the 2019 and 2020 tax rolls had been determined by this Order; and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondent, the Dutchess County Commissioner of Finance, Hyde Park Central School District, and/or any of the various taxing authorities, be made by check or draft payable to the order of Corbally, Gartland and Rappleyea, LLP, as attorneys for the petitioners; and it is further

ORDERED, that to the extent any taxes or assessments are unpaid and have already

been billed for the Town, School, County and special districts in accordance with the original assessed valuation, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioners a new bill or bills, taxing said petitioners on the basis of the final total assessed valuations as stipulated herein; and it is further

ORDERED, that if the property referred to herein sells for greater than \$1,650,000 in an arms-length transaction within one (1) year of the date hereof, the Town will no longer be bound by the terms of this Consent Judgment, and the provisions of Real Property Tax Law § 727 will not be an impediment to increasing the assessment; and it is further

ORDERED, that if the property referred to herein sells for less than \$1,650,000 in an arms-length transaction within one (1) year of the date hereof, the assessment shall be reduced to the arms-length sales price; and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceeding herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated: Poughkeepsie, New York  
\_\_\_\_\_, 2020

E N T E R ,

\_\_\_\_\_  
HON. JAMES V. BRANDS, JHO

Signing and entry of the within  
Order is hereby Consented to:


CAPPILLINO, ROTHSCHILD & EGAN, LLP

BY: \_\_\_\_\_

SHANE J. EGAN, ESQ.  
Attorneys for Respondents  
7 Broad Street - P.O. Box 390  
Pawling, NY 12564-0390  
Telephone: (845) 855-5444

CORBALLY, GARTLAND and RAPPLEYEA, LLP

BY: \_\_\_\_\_

 10/1/2020  
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