

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 _____, 2019.

PRESENT: Hon. James V. Brands, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

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In the Matter of the Application of
MICHAEL SASSE and TIM GOODMANSON,

Petitioner,

-against-

**CONSENT
JUDGMENT**

Index No: 2018-52236

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 a Petition and Notice to review the tax assessment fixed by the Town of Clinton for the 2018 assessment roll, upon certain real property located in the Town of Clinton, Dutchess County, New York, and designated as tax map No.: 6469-00-098269-0000 (Lake Drive) on the Official Assessment Map of the Town of Clinton, and

The petitioners having appeared by Stenger, Roberts, Davis & Diamond, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Cappillino, Rothschild & Egan, LLP, by Shane J. Egan, Esq., Attorneys for the Town of Clinton, and the parties

having made their settlement, it is hereby

ORDERED, that the assessment on the property referred to herein, be and the same is hereby reduced, corrected and fixed for the 2018 assessment roll as follows:

DESCRIPTION (Tax Map No.): 6469-00-098269-0000 (Lake Drive)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2018	330,000	200,000	130,000

, and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessment 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 DUTCHESS COUNTY COMMISSIONER OF FINANCE, for tax map 6469-00-098269-0000 (Lake Drive), the amounts of Dutchess County taxes and ad valorem Special District Taxes, if any, paid by the petitioners as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, 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, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioners by the RHINEBECK CENTRAL SCHOOL DISTRICT, for tax map No: 6469-00-098269-0000 (Lake Drive), the amount of School taxes, and Library taxes if applicable, paid by the petitioners as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, 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, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioners by the Dutchess County Commissioner of Finance or the Town of Clinton, for tax map No. 6469-00-098269-0000 (Lake Drive), the amount of Town, Special District and any other ad valorem taxes paid by the petitioners as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, 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, and it is further,

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest

from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondent, the Dutchess County Commissioner of Finance, The Town of Clinton, Rhinebeck Central School District, and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Roberts, Davis & Diamond, LLP, as attorneys for the petitioners, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, 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 valuation as stipulated herein, 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 proceeding be and the same is settled and discontinued.

Dated: Poughkeepsie, New York
_____, 2019

ENTER,

HON. JAMES V. BRANDS, J.S.C.

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


CAPPILLINO, ROTHSCHILD & EGAN, LLP

BY: _____

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

STENGER, ROBERTS, DAVIS & DIAMOND, LLP

BY: _____



KAREN E. HAGSTROM, ESQ.
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Wappingers Falls, NY 12590
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