

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 _____, 2023.

PRESENT: Hon. James V. Brands, J.H.O.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

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In the Matter of the Application of
LOUIE FIELDS LLC,

CONSENT JUDGMENT

Petitioner,

Index Nos.: 2022-52446
2023-52489

- against -

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 petitioner having heretofore served and filed Petitions and Notices to review the tax assessments fixed by the Town of Clinton for the 2022 and 2023 assessment rolls, upon certain real property located in the Town of Clinton, Dutchess County, New York, and designated as tax map Nos. 132400-6566-00-412985-0000 (689 Schultzville Road) and 132400-6567-00-300289-0000 (Schultzville Road) on the Official Assessment Map of the Town of Clinton, and

The petitioner having appeared by Corbally, Gartland and Rappleyea, LLP, Allan B. Rappleyea, Esq., the Town 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 assessments on the property referred to herein, be and the same are hereby reduced, corrected, and fixed for the 2022 and 2023 assessment rolls as follows:

DESCRIPTION (Tax Map No.): 132400-6566-00-412985-0000 (689 Schultzville Road)

Assessment Roll	Original Assessment	Settlement Assessment	Final Taxable AV	Original AG Exemption	Settlement AG Exemption
2022	2,861,000	2,711,000	2,039,380	708,781	671,620
2023	3,118,000	2,968,000	2,224,546	792,314	743,454

DESCRIPTION (Tax Map No.): 132400-6567-00-300289-0000 (Schultzville Road)

Assessment Roll	Original Assessment	Settlement Assessment	Final Taxable AV	Original AG Exemption	Settlement AG Exemption
2022	207,600	200,000	105,372	100,078	94,628
2023	228,400	200,000	110,122	116,128	89,878

; 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 petitioner by the

DUTCHESS COUNTY COMMISSIONER OF FINANCE, for tax map Nos: 132400-6566-00-412985-0000 (689 Schultzville Road) and 132400-6567-00-300289-0000 (Schultzville Road), the amounts of Dutchess County taxes and ad valorem Special District Taxes, if any, paid by the petitioner 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, 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 petitioner by the MILLBROOK CENTRAL SCHOOL DISTRICT, for tax map Nos: 132400-6566-00-412985-0000 (689 Schultzville Road) and 132400-6567-00-300289-0000 (Schultzville Road), the amount of School taxes, and Library taxes if applicable, paid by the petitioner 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; 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 petitioner by the Dutchess County Commissioner of Finance or the Town of Clinton, for tax map Nos. 132400-6566-00-412985-0000 (689 Schultzville Road) and 132400-6567-00-300289-0000 (Schultzville Road), the amount of Town, ad valorem Special District and any other ad valorem taxes paid by the petitioner 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; 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 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 all tax refunds hereinabove directed to be made by respondent, the Dutchess County Commissioner of Finance, The Town of Clinton, Millbrook 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 petitioner, 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 petitioner a new bill or bills, taxing said petitioner on the basis of the final total assessed valuations as stipulated herein; and it is further

ORDERED, that the assessed valuation determined herein shall not be changed for the subject property for the next three (3) succeeding assessment rolls prepared on the basis of the three (3) taxable status dates next occurring on or after the taxable status date of the most recent assessment under review, for the 2024, 2025 and 2026 tax rolls, pursuant to § 727(1) of the Real Property Tax Law of the State of New York, unless one of the exceptions contained in § 727(2) of the Real Property Tax Law applies; and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceedings 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; and it is further

ORDERED, that this Order may be executed and delivered by exchange of facsimile signatures of the parties, or by exchange by e-mail of signed copies bearing the signature of the parties. The facsimile or e-mail signatures shall be the same as original signatures

in all respects, including, but not limited to, being admissible in evidence in any court; and
it is further

ORDERED, that this Order may be executed in counterparts.

Dated: Poughkeepsie, New York
_____, 2023

ENTER,

HON. JAMES V. BRANDS, J.H.O.

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

CORBALLY, GARTLAND and RAPPLEYEA, LLP

BY: _____

 8/22/2023
ALLAN B. RAPPLEYEA, ESQ.
Attorneys for Petitioner
35 Market Street
Poughkeepsie, NY 12601
(845) 454-1110
abr@carlaw.com

CAPPILLINO, ROTHSCHILD & EGAN, LLP

BY: _____

SHANE J. EGAN, ESQ.
Attorneys for Town Respondents
Seven Broad Street, P.O. Box 390
Pawling, NY 12564-0390
(845) 855-5444
se@cappillino.com