

File # 24053

E-FILE

At Special Term, Part of the Supreme Court of the State of New York for Condemnation and Tax Certiorari held in and for the County of Suffolk, at 400 Carleton Ave., Central Islip, New York, on the 4th day of February 2019.

P R E S E N T:

HON. JOHN J. LEO

Justice.

-----X	<u>ORDER AND JUDGMENT</u>
In the Matter of	:
	: <u>Tax Year</u> <u>Index No.</u>
RECHLER EQUITY B-3, LLC,	:
	: 2015/16 600119/19
Petitioner, :	
	:
-against-	:
	: <u>Item #</u> 053233
THE BOARD OF ASSESSORS AND/OR THE	: 500/24/1/18.016
ASSESSOR OF THE TOWN OF ISLIP AND	
THE BOARD OF ASSESSMENT REVIEW,	:
	: <u>School Distr:</u> 472806
Respondents:	HAUPPAGUE UFSD
-----X	

On the notices and petitions and all other proceedings herein, on the annexed Stipulation of Settlement, dated January 7, 2019, and on motion of KOEPPPEL MARTONE & LEISTMAN, LLC, attorneys for petitioner, it is

ORDERED, that the assessment of petitioner's property upon the assessment rolls of the Town of Islip, the County of Suffolk, be corrected and reduced to read as follows:

<u>Tax Year</u>	<u>Tax Map Description</u>	<u>Original Assessment</u>	<u>Reduction</u>	<u>Final Total Assessment</u>
2015/16	500/24/1/18.016	\$ 641,200	\$ 20,000	\$ 621,200

and it is further

ORDERED, that respondents shall forthwith correct the assessment rolls and note thereon that the same have been corrected pursuant to this Order, and it is further

ORDERED, that a copy of this Order shall be filed under the Index Number of the proceeding settled herein, and it is further

ORDERED AND ADJUDGED, that the Suffolk County Comptroller, upon service of two certified (2) copies of this Order and Judgment, together with a true copy of the Stipulation of Settlement to which shall be attached a County Form 74(b) signed by the Assessor of the Town of Islip, shall refund, within ninety (90) days from the date of service upon the Office of the Suffolk County Comptroller, to KOEPPPEL MARTONE & LEISTMAN, LLC, with offices at 155 First Street, Mineola, NY 11501, as attorneys for Petitioner, the amount of all taxes and assessments that have been paid, for tax year 2015/16, upon proof that such were paid by the Petitioner or by an agent and/or person acting on behalf of the petitioner, on account of the original assessed value in excess of the amount of such taxes and assessments based upon the reduced assessed values as herein reduced without interest, provided such refund shall be paid on or before the expiration of ninety (90) days from the date

of service upon the office of the Suffolk County Comptroller. If such refund shall not be made within the time so provided, interest at the statutory rate per annum shall accrue commencing on the date of service until the date of payment, and shall be paid by the Suffolk County Comptroller with the refund when paid by the Suffolk County Comptroller and shall be deemed a County Charge. Interest shall be at the rate of ; and it is further

ORDERED, that the "date of service" shall be deemed to be the date of receipt by the Office of the Suffolk County Comptroller and the burden of proof as to date of service shall be on the petitioner; and it is further

ORDERED, that the date of payment by the Suffolk County Comptroller shall be deemed to be the date such payment is placed in the mail by the Suffolk County Comptroller and the burden of proof of the date of payment shall be on the Suffolk County Comptroller; and it is further

ORDERED, by and between the parties that the within proceedings are hereby severed from the respective master petition for the 2015/16 tax year, and it is further

ORDERED, that these proceedings be discontinued without costs.

E N T E R

J.S.C.

HON. JOHN J. LEQ

GRANTED

FEB 04 2019

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

File # 24053

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

FEE PAID THRU NYSCEF

-----X STIPULATION OF SETTLEMENT

In the Matter of :
:
Tax Year Index No.

RECHLER EQUITY B-3, LLC, :
:
2015/16 600119/19

Petitioner, :
:
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-against- :
:
Item # 053233

THE BOARD OF ASSESSORS AND/OR THE : 500/24/1/18.016
ASSESSOR OF THE TOWN OF ISLIP AND
THE BOARD OF ASSESSMENT REVIEW, :
:
School Distr: 472806

Respondents. : HAUPPAGUE UFSD
-----X

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that the above-entitled tax review proceedings be and the same hereby are adjusted on the following basis:

<u>Tax Year</u>	<u>Tax Map Description</u>	<u>Original Assessment</u>	<u>Reduction</u>	<u>Final Total Assessment</u>
2015/16	500/24/1/18.016	\$ 641,200	\$ 20,000	\$ 621,200

and it is further

STIPULATED AND AGREED, that the proceedings pertaining to District 500, Section 24, Block 1, Lot 18.016 tax years 2014/15, 2016/17, 2017/18 and 2018/19 are hereby discontinued, and it is further

STIPULATED AND AGREED, between the attorneys for the parties hereto that the provision of RPTL § 727 (1) is hereby waived by and



as against the other party. This paragraph shall survive entry of the within referenced Court Order, and it is further

STIPULATED AND AGREED, that a copy of these proceedings shall be filed under the index numbers of the proceedings settled herein, and it is further

STIPULATED AND AGREED that the Suffolk County Comptroller, upon service of two certified (2) copies of the Order and Judgment, together with a true copy of this Stipulation of Settlement to which shall be attached a County Form 74(b) signed by the Assessor of the Town of Islip, shall refund, within ninety (90) days from the date of service upon the Office of the Suffolk County Comptroller, to KOEPPPEL MARTONE & LEISTMAN, LLC, with offices at 155 First Street, Mineola, NY 11501, as attorneys for Petitioner, the amount of all taxes and assessments that have been paid, for tax year 2015/16, upon proof that such were paid by the Petitioner or by an agent and/or person acting on behalf of the petitioner, on account of the original assessed value in excess of the amount of such taxes and assessments based upon the reduced assessed values as herein reduced without interest, provided such refund shall be paid on or before the expiration of ninety (90) days from the date of service upon the office of the Suffolk County Comptroller. If such refund shall not be made within the time so provided, interest at the statutory rate per annum shall accrue commencing on the date of service until the date of payment, and shall be paid by the

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