

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the County Court House in White Plains, New York.

PRESENT:

HON. BRUCE E. TOLBERT,

Justice.

In the Matter of the Application of

THE APAWAMIS CLUB,

Petitioner,

- against -

THE ASSESSOR OF THE TOWN OF HARRISON,
THE BOARD OF REVIEW OF THE TOWN OF
HARRISON and THE TOWN OF HARRISON,

Respondents,

-and-

HARRISON CENTRAL SCHOOL DISTRICT,

Intervenor-Respondent.

For Review Under Article 7 of the RPTL.

**CONSENT
JUDGMENT**

Index Nos.

- 25810/10 ✓
- 15479/11 ✓
- 66988/12 ✓
- 66970/13 ✓
- 67281/14 ✓
- 67328/15 ✓
- 64006/16 ✓

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CHAMBERS OF
HON. BRUCE E. TOLBERT
J.S.C.

The above Petitioner having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the Town of Harrison for the assessment years 2010 through 2016 upon certain real property located at Club Road, Town of Harrison, and designated as Block 523, Lot 26, on the Official Assessment Map of the Town of Harrison, and for the 2010 through 2014 assessment years upon certain real property located at Club Road, Town of Harrison, and designated as Block 523, Lot 25, on

the Official Assessment Map of the Town of Harrison, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by **WILLIAM E. SULZER, ESQ.**, of Griffin, Coogan, Sulzer & Horgan, P.C., and the respondents having appeared by **IRA S. LEVY, ESQ.**, Special Counsel, for the Town of Harrison, and intervenor-respondent having appeared by **MARC E. SHARFF, ESQ.**, of Shaw, Perelson, May & Lambert, LLP, and the parties having made their settlement, it is

ORDERED, ADJUDGED AND DECREED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment year as follows:

Block 523, Lot 26

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2010	93,000	45,071	47,929
2011	93,000	51,259	41,741
2012	93,000	49,815	43,185
2013	93,000	49,009	43,991
2014	93,000	47,365	45,635
2015	93,210	46,400	46,810
2016	93,210	46,400	46,810

Block 523, Lot 25

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2010	210	210	-0-
2011	210	210	-0-
2012	210	210	-0-
2013	210	210	-0-
2014	210	210	-0-

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, 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, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **TOWN OF HARRISON**, the amount of all **Town/Village/Fire/Water** taxes and any other ad valorem taxes, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of any excess taxes, paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **HARRISON CENTRAL SCHOOL DISTRICT** the amount of all School and/or library taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that the County Legislators of the **COUNTY OF WESTCHESTER**, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of State, County, Judiciary, Refuse and Sewer District taxes paid by the petitioner as taxes against the erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that the Commissioner of Finance of Westchester County be served with a copy of this judgment, together with proof of payment of State, County, Judiciary, Sewer and any other Westchester County special district taxes, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds are to be paid

with interest pursuant to §726 of the Real Property Tax Law of the State of New York; 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, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds hereinabove directed to be made by respondent, the **TOWN OF HARRISON** and/or any of the various taxing authorities, be made by check or draft payable to the order of **GRIFFIN, COOGAN, SULZER & HORGAN, P.C.**, as attorneys for the petitioners, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475 and it is further

ORDERED, ADJUDGED AND DECREED, that this Order hereby constitutes and represents full settlement of each 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.

Dated:

January 4 2012
White Plains NY

ENTER,

Bruce E. Tolbert

HON. BRUCE E. TOLBERT, J.S.C.

SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:

Ira S. Levy

IRA S. LEVY, ESQ.
Special Counsel for the Town of Harrison
173 Ivy Hill Lane
Rye Brook, New York 10573
(914) 329-0297

Timothy C. ...

01-04-2017

William E. Sulzer

WILLIAM E. SULZER, ESQ.
Griffin, Coogan, Sulzer & Horgan, P.C.
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51 Pondfield Road
Bronxville, New York 10708
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Marc E. Sharff

MARC E. SHARFF, ESQ.
Attorneys for Intervenor- Respondent
Shaw, Perelson, May & Lambert, LLP
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870

THE OFFICE OF THE WESTCHESTER COUNTY ATTORNEY HAS NO OBJECTION TO THE ENTERING OF THE WITHIN ORDER.

DATED: 12/23/16

Darula Spield

ABST COUNTY ATTORNEY
THE COUNTY OF WESTCHESTER




Office of the County Attorney

December 23, 2016

TO: HON. BRUCE E. TOLBERT
Tax Certiorari Part
Richard J. Daronco Courthouse
111 Dr. Martin Luther King, Jr. Blvd., Rm. 1618
White Plains, New York 10601

Attn: Kathleen Stradling
Clerk

FROM: Daniela Infield *DI* 
Assistant County Attorney

RE: **Apawamis Club vs Town of Harrison (CON106867)**
Index Nos.: 25810-10, 15479-11, 66988-12, 66970-13, 67281-14,
67328-15, 64006-16
Club Road, Town of Harrison
Block 523, Lot 25 & 26

The Office of the Westchester County Attorney has no objection to the entering of the within order.

DI/fc
Attachment