

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

PRESENT:

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

Justice.

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**In the Matter of the Application of
LOLA DIPILLO,**

**CONSENT
JUDGMENT**

Petitioner,

**Index Nos.
65543/16
66131/17**

-against-

**THE ASSESSOR OF THE TOWN OF OSSINING,
THE BOARD OF REVIEW OF THE TOWN OF
OSSINING and THE TOWN OF OSSINING,**

Respondents,

For Review Under Article 7 of the RPTL.
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The above Petitioner having heretofore filed and served the Petitions and Notices to review the tax assessments fixed by the Town of Ossining for the assessment years 2016 through 2017, upon certain real property located at Yale Avenue, Town of Ossining, and designated as Section 89.15, Block 2, Lot 60, on the Official Assessment Map of the Town of Ossining, and on certain real property located at Yale Avenue, and designated as Section 89.15, Block 3, Lot 45 on the Official Assessment Map of the Town of Ossining, and on certain real property located at Park Avenue, and designated as Section 89.16, Block 3, Lot 85.3 on the Official Assessment Map of the Town of Ossining,

and on certain real property located at 61 Croton Avenue, and designated as Section 89.19, Block 2, Lot 8 on the Official Assessment Map of the Town of Ossining, and on certain real property located at 63 Croton Avenue, and designated as Section 89.19, Block 2, Lot 9 on the Official Assessment Map of the Town of Ossining, and on certain real property located at 159-161 Croton Avenue, and designated as Section 89.16, Block 3, Lot 85.1 on the Official Assessment Map of the Town of Ossining and on certain real property located at Croton Avenue, and designated as Section 89.16, Block 3, Lot 85.2 on the Official Assessment Map of the Town of Ossining 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 **STEPHEN P. DEWEY, ESQ.**, Special Counsel for the Town of Ossining, and the parties having made their settlement, it is

ORDERED, ADJUDGED AND DECREED, that the assessments on the subject property be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

89.15-2-60

<u>Assess. Year</u>	<u>Assessed Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	74,200	24,700	49,500
2017	24,700	24,700	0

89.15-3-45

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	89,000	63,000	26,000
2017	33,200	33,200	0

89.16-3-85.3

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	111,300	37,100	74,200
2017	37,100	37,100	0

89.19-2-8

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	394,800	141,500	253,300
2017	394,800	141,500	253,300

89.19-2-9

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	231,800	116,100	115,700
2017	236,400	116,100	120,300

89.16-3-85.1

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	431,700	431,700	0
2017	431,700	431,700	0

89.16-3-85.2

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2016	92,400	92,400	0
2017	92,400	92,400	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 OSSINING** the amount of all Town, Ambulance, and any other ad valorem taxes, together with the proportionate share of any interest, penalty, and collection fee 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 petition by the **VILLAGE OF OSSINING** the amount of all Village taxes paid by the Petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment 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 **OSSINING UNION FREE 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 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 with notice of entry, 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, time of the essence, with notice of entry, and with respect to the Commissioner of Finance only, such Order shall be served with proof of payment of taxes, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds hereinabove directed to be made by Respondent, the **TOWN OF OSSINING** 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 Petitioner, 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:

ENTER,

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

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

STEPHEN P. DEWEY, ESQ.
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