

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **DRF 18-0214-8**

Date of Adoption **FEBRUARY 14, 2018**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

Legislative Research Officer

PRESENTED BY COUNCIL MEMBER

COX

SECONDED BY

HUDLEY

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX AUTHORIZING SETTLEMENT OF TAX APPEALS ON THE ATTACHED LIST DATED FEBRUARY 14, 2017, WHICH WERE TAKEN FROM ASSESSMENTS OF PROPERTIES LOCATED WITHIN THE TOWNSHIP OF IRVINGTON, ESSEX COUNTY, NEW JERSEY

WHEREAS, appeals of the real property tax assessments on the attached list dated February 14, 2018, have been challenged by the respective taxpayers; and

WHEREAS, each Block and Lot listed therein was assessed at the amount stated therein for the noted tax year(s); and

WHEREAS, the proposed Stipulations of Settlement, copies of which are incorporated herein as if set forth at length, have been reviewed and recommended by the Township Tax Assessor and Township Tax Expert; and

WHEREAS, the settlement of these matters on the attached list are in the best interest of the Township of Irvington.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Irvington, New Jersey:

1. The Township's Tax Appeal Attorney, Matthew J. O'Donnell, Esq. is authorized to execute Stipulations of Settlement on behalf of the Township of Irvington with respect to the tax appeals on the attached list which are currently pending in the Tax Court of New Jersey for the tax year(s) listed therein and at the assessments stated therein.

2. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of this Resolution and authorizes the Special Tax Counsel to enter into the Stipulation of Settlement as provided by Taxpayer.

RECORD OF COUNCIL VOTE

X = Indicates Vote

N.V. = No Vote

A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				INMAN	X			
COX	X				JONES, 2ND VICEPRESIDENT	X			
FREDERIC	X				LYONS, PRESIDENT	X			
DR. HUDLEY	X								

PRESIDENT OF COUNCIL *Lyons* MUNICIPAL CLERK *John E. O'Neil* DATE **FEBRUARY 14, 2018**

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK *John E. O'Neil*

DATE **FEB 14 2018**



ADMINISTRATOR ☒ ASSESSOR ☒ BLDG ☐ CFO ☒ COLLECTOR ☐ COURT ☐ EDGO ☐ ENGINEER ☐ FIRE ☐ CF ☐ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐ LEGAL ☒ LIBR ☐ LICEN ☐ MAYOR ☐ NPP ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY ☐ DIR ☐ PUBLIC WORKS ☐ PURCHASING ☐ SEC ☐ PB/ZBA ☐ TRAFFIC ☐ ZONING ☐ OFF ☐ DLGS ☐ GNCD ☐ OTHER(S):

SETTLEMENTS SUBMITTED FOR GOVERNING BODY APPROVAL

February 14, 2018

Taxpayer	Block	Lot	Qual.	Address	Class	Docket No.	Original Assessment	Settled Assessment	Tax Rate	Refund
121 South 12th Street, LLC	157	30		101 21st Street	4C	006829-2013	\$2,000,000	\$2,000,000	3.510%	\$0.00
101 South 12th Street LLC	157	30		101 South 21st Street	4C	009654-2014 002579-2015 003797-2016 006909-2017 2018	\$1,943,400 \$1,943,400 \$1,943,400 \$1,943,400 \$1,200,000	\$1,700,000 \$1,500,000 \$1,500,000 \$1,400,000 \$1,200,000	5.456% 5.423% 5.552% 5.675%	\$13,279.90 \$24,045.58 \$24,617.57 \$30,837.95
387-393 Coit Street Corporation	192	6		387 Coit Street	4B	013746-2014 2015 (Freeze) 2016 (Freeze) 2018	\$862,400 \$862,400 \$862,400	\$800,000 \$800,000 \$800,000 \$800,000	5.456% 5.423% 5.552%	\$92,781.00 \$3,404.54 \$3,383.95 \$3,464.45
999 Stuyvesant Avenue Assoc.	358	68		993 Stuyvesant Avenue	4C	000978-2012 000104-2013 006653-2014 001042-2015 006541-2016 2017 (Freeze)	\$1,586,100 \$1,450,000 \$1,366,600 \$1,366,600 \$1,366,600 \$1,366,600	\$1,586,100 \$1,450,000 \$1,366,600 \$1,216,000 \$1,168,000 \$1,168,000	3.399% 3.510% 5.456% 5.423% 5.552% 5.675%	\$0.00 \$0.00 \$0.00 \$8,167.04 \$11,026.27 \$11,270.55
1280 Clinton Avenue Assoc.	32	3		1278 Clinton Avenue	4C	009269-2012 000102-2013 006648-2014 001016-2015 006539-2016 2017 (Freeze)	\$1,600,000 \$1,600,000 \$1,459,100 \$1,459,100 \$1,459,100 \$1,459,100	\$1,600,000 \$1,600,000 \$1,459,100 \$1,459,100 \$1,447,000 \$1,447,000	3.399% 3.510% 5.456% 5.423% 5.552% 5.675%	\$0.00 \$0.00 \$0.00 \$0.00 \$671.79 \$686.68
Boken Realty, LLC	356	52		1081 Stuyvesant Avenue	4A	003713-2013 003200-2014 007271-2015 005108-2016 004301-2017	\$2,000,000 \$1,624,200 \$1,624,200 \$1,624,200 \$1,624,200	\$1,624,200 \$1,624,200 \$1,624,200 \$1,624,200 \$1,624,200	3.51% 5.456% 5.423% 5.552% 5.675%	\$13,190.58 \$0.00 \$0.00 \$0.00 \$0.00
Colonial Village Associates	238	12		46 Paine Avenue	4C	000964-2012 000103-2013 006652-2014 001022-2015 006540-2016 2017 (Freeze) 13	\$8,056,100 \$6,979,600 \$5,985,300 \$5,985,300 \$5,985,300 \$5,985,300 \$2,332,000 \$2,020,400 \$1,854,900	\$8,056,100 \$6,979,600 \$5,985,300 \$5,725,600 \$5,256,300 \$5,256,300 \$2,332,000 \$2,020,400 \$1,854,900	3.399% 3.510% 5.456% 5.423% 5.552% 5.675% 3.399% 3.510% 5.456%	\$0.00 \$0.00 \$0.00 \$14,083.53 \$40,474.08 \$41,370.75 \$0.00 \$0.00 \$0.00

SETTLEMENTS SUBMITTED FOR GOVERNING BODY APPROVAL

February 14, 2018

Ferasaw LLC	34	10	39 Smith Street	4C	001022-2015	\$1,854,900	\$1,774,400	5.423%	\$4,365.52
					006540-2016	\$1,854,900	\$1,673,700	5.552%	\$10,060.22
					2017 (Freeze)	\$1,854,900	\$1,673,700	5.675%	\$10,283.10
					Total				\$120,637.20
Investors Savings Bank	358	2.04	1059-1071 Stuyvesant Avenue	4A	006646-2014	\$1,267,200	\$1,167,200	5.456%	\$5,456.00
					001014-2015	\$1,267,200	\$1,167,200	5.423%	\$5,423.00
					006542-2016	\$1,267,200	\$1,267,200	5.552%	\$0.00
					Total				\$10,879.00
Investors Savings Bank	343	6	1331-33 Springfield Avenue	4A	007322-2014	\$1,052,700	\$1,052,700	5.456%	\$0.00
					006496-2015	\$1,052,700	\$1,000,000	5.423%	\$2,857.92
					002026-2016	\$1,052,700	\$950,000	5.552%	\$5,701.90
					001862-2017	\$1,052,700	\$900,000	5.675%	\$8,665.73
Investors Savings Bank	343	6	1331-33 Springfield Avenue	4A	2018	\$900,000	\$900,000		
					Total				\$17,225.55
North Hope, LLC	370	25	1438-1442 Springfield Avenue	4A	007368-2013	\$1,256,600	\$1,256,600	3.510%	\$0.00
					007320-2014	\$1,157,200	\$1,075,000	5.456%	\$4,484.83
					006499-2015	\$1,157,200	\$1,075,000	5.423%	\$4,457.71
					002028-2016	\$1,157,200	\$950,000	5.552%	\$11,503.74
Oasis Multi Family	44	4	336 Stuyvesant Avenue	4C	002334-2017	\$1,157,200	\$900,000	5.675%	\$14,596.10
					2018	\$850,000	\$850,000		
					Total				\$35,042.38
Oasis Multi Family	17	72	505-515 Stuyvesant Avenue	4C	000982-2012	\$1,140,600	\$750,000	3.399%	\$13,276.49
					010189-2013	\$750,000	\$750,000	3.510%	\$0.00
					010620-2014	\$792,500	\$792,500	5.456%	\$0.00
					009995-2015	\$792,500	\$792,500	5.423%	\$0.00
Parkedge Associates	34	12	27-37 Smith Street	4C	009571-2016	\$792,500	\$792,500	5.552%	\$0.00
					Total				\$13,276.49
Pi Bon Pate, Inc.	281	7	6 Ball Street	4A	006680-2014	\$3,014,100	\$3,014,100	5.456%	\$0.00
					000436-2015	\$3,014,100	\$2,600,000	5.423%	\$22,456.64
					Total				\$22,456.64
					006682-2014	\$1,485,200	\$1,400,000	5.456%	\$4,648.51
Pi Bon Pate, Inc.	281	7	6 Ball Street	4A	000435-2015	\$1,485,200	\$1,350,000	5.423%	\$7,331.90
					Total				\$11,980.41
Pi Bon Pate, Inc.	281	7	6 Ball Street	4A	000954-2012	\$2,101,000	\$2,101,000	3.399%	\$0.00
					001313-2013	\$1,620,000	\$1,620,000	3.510%	\$0.00
					006647-2014	\$1,771,600	\$1,771,600	5.456%	\$0.00
					001012-2015	\$1,771,600	\$1,368,000	5.423%	\$21,887.23
Pi Bon Pate, Inc.	281	7	6 Ball Street	4A	006545-2016	\$1,771,600	\$1,314,000	5.552%	\$25,405.95
					2017 (Freeze)	\$1,771,600	\$1,314,000	5.675%	\$25,968.80
					Total				\$73,261.98
					010195-2013	\$202,000	\$160,000	3.510%	\$1,474.20
Pi Bon Pate, Inc.	281	7	6 Ball Street	4A	010673-2014	\$147,200	\$147,200	5.456%	\$0.00
					009718-2016	\$147,200	\$125,000	5.552%	\$1,232.54
					Total				\$1,232.54

TOWNSHIP OF IRVINGTON

SETTLEMENTS SUBMITTED FOR GOVERNING BODY APPROVAL

February 14, 2018

Smith Street Associates, LLC	34	15	23 Smith Street	4C	010663-2014	\$147,200	\$125,000	5.675%	\$1,259.85
					009407-2015				
					009721-2016				
					2017 Freeze				
					Total				\$3,966.59
						\$525,800	\$525,800	5.456%	\$0.00
						\$525,800	\$480,000	5.423%	\$2,483.73
						\$525,800	\$480,000	5.552%	\$2,542.82
						\$525,800	\$480,000	5.675%	\$2,599.15
					Total				\$7,625.70
Smith Street Associates, LLC	81	24	34-36 Smith Street	4C	010616-2014	\$470,400	\$470,400	5.456%	\$0.00
					009476-2015				
					009673-2016				
					2017 Freeze				
					Total				\$1,648.59
						\$470,400	\$440,000	5.423%	\$1,687.81
						\$470,400	\$440,000	5.675%	\$1,725.20
					Total				\$5,061.60
Sotnas Garden APTS. CORP.	208	17	19 Bruen Avenue	4C	008804-2015	\$683,000	\$683,000	5.423%	\$0.00
					010030-2016				
					008577-2017				
					Total				\$2,054.24
						\$683,000	\$600,000	5.675%	\$4,710.25
					Total				\$6,764.49
TOTAL REFUNDS									\$476,224.90

LAW OFFICE OF NATHAN P. WOLF, LLC
673 Morris Avenue
Springfield, New Jersey 07081
(973) 218-6323
Attorney for Plaintiff
Attorney ID#022241979

101 SOUTH 12TH STREET LLC,

Plaintiff

vs.

TOWNSHIP OF IRVINGTON,

Defendant

TAX COURT OF NEW JERSEY

Docket Number: 006829-2013

Docket Number: 009654-2014

Docket Number: 002579-2015

Docket Number: 3797-2016

Docket Number: 6909-2017

Civil Action

STIPULATION OF SETTLEMENT
(Without Affidavit)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 157

Lot: 30

Street Address: 101 South 21st Street

Years: 2013, 2014, 2015, 2016, 2017

2013	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	REQUESTED TAX COURT JUDGMENT
LAND	\$1,200,000	DIRECT	
IMPROVEMENTS	\$800,000	APPEAL	WITHDRAWN
TOTAL	\$2,000,000		

2014	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT JUDGMENT</u>
LAND	\$1,200,000	DIRECT	\$800,000
IMPROVEMENTS	<u>\$800,000</u>	<u>APPEAL</u>	<u>\$900,000</u>
TOTAL	\$2,000,000		\$1,700,000

2015, 2016	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT JUDGMENT</u>
LAND	\$1,200,000	DIRECT	\$800,000
IMPROVEMENTS	<u>\$800,000</u>	<u>APPEAL</u>	<u>\$700,000</u>
TOTAL	\$2,000,000		\$1,500,000

2017	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT JUDGMENT</u>
LAND	\$1,200,000	DIRECT	\$800,000
IMPROVEMENTS	<u>\$800,000</u>	<u>APPEAL</u>	<u>\$600,000</u>
TOTAL	\$2,000,000		\$1,400,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with the assessing practices generally applicable in the taxing district as required by law.

4. All refunds as a result of the settlement set forth herein shall be payable to: "Law Office of Nathan P. Wolf, LLC and 101 South 12th Street LLC", and forwarded to Chad E. Wolf.

5. Provided that the refund payable as a result of the entry of Judgment pursuant to this stipulation is made within one hundred eighty (180) days of the date of the Judgment, taxpayer agrees to waive the interest otherwise payable pursuant to *N.J.S.A. 54:3-27*.

6. The parties further agree that the 2018 assessment shall be \$1,200,000. Taxpayer may file an appeal in 2018 to affirm the assessment in order to provide Freeze Act protection. In the event that the assessment is not set at \$1,200,000 for 2018, Defendant agrees to execute any and all appropriate stipulations to implement the settlement.

8. Notwithstanding the foregoing, in the event that the improvements on the property become subject to *N.J.S.A. 54:4-35.1* due to destruction, fire, etc., taxpayer shall retain its right of appeal without limitation.

9. Any provisions herein which are not incorporated in the judgment issued by the Court shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

LAW OFFICE OF NATHAN P. WOLF, LLC
Attorney for Plaintiff

DATED:

BY:



Chad E. Wolf

O'DONNELL MCCORD, P.C.
Attorneys for Defendant

DATED:

BY:

MATTHEW J. O'DONNELL
ATTORNEY AT LAW
STATE OF NEW JERSEY

MICHAEL A. VESPASIANO, ESQ.
331 Main Street
Chatham, NJ 07928
(973) 635-1100
Attorney ID No. 004341991

387-393 Coit Street Corporation:	:	TAX COURT OF NEW JERSEY
Plaintiff,	:	Docket No. 013746-2014
	:	
	:	
	:	
vs.	:	<u>Civil Action</u>
	:	<u>STIPULATION OF SETTLEMENT</u>
	:	(without Affidavit)
	:	
Irvington	:	Assigned Judge: Nugent
Defendant.	:	First Calendar Date: 12/2015

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment entered as follows:

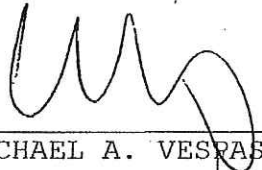
Block: 192 Lot: 6
Year(s): 2014
Street Address: 398 Coit St.

	<u>Original</u> <u>Assessment</u>	<u>County Tax Board</u> <u>Judgment</u>	<u>Requested Tax</u> <u>Court Judgment</u>
Land:	\$ 148,500	\$ 148,500	\$ 148,500
Impvts:	\$ 713,900	\$ 713,900	\$ 651,500
Total:	\$ 862,400	\$ 862,400	\$ 800,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.
4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment. Refund shall be payable to "Michael A. Vespasiano, Attorney Trust Account".
5. The Freeze Act is to apply for Tax Year(s) 2015 and 2016. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) 2015 and 2016, and therefore agree that the provisions of N.J.S.A. 54:51A 8 (Freeze Act) shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).
6. The parties further agree that the 2018 assessment for Block 192 Lot 6 will be set on-the-books at \$800,000.

Dated:



MICHAEL A. VESPASIANO
Attorney for Plaintiff

Dated:

MATTHEW J. O'DONNELL
Attorney for Defendant

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

999 STUYVESANT AVENUE ASSOC., :

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,

a Municipal Corporation of

New Jersey,

Defendant,

TAX COURT OF NEW JERSEY

Docket No.: 000978-2012, 000104-2013

006653-2014, 001042-2015

and 006541-2016

CIVIL ACTION

STIPULATION OF SETTLEMENT

(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 358

Lot: 68

Street Address: 993 Stuyvesant Avenue

Year(s): 2012 and 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 960,000	DOES	WITHDRAWN
Impvts	\$ 490,000	NOT	WITHDRAWN
Total	<u>\$ 1,450,000</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 358

Lot: 68

Street Address: 993 Stuyvesant Avenue

Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
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Land	\$ 960,000	DOES	WITHDRAWN
Impvts	\$ 726,600	NOT	WITHDRAWN
Total	<u>\$ 1,366,600</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 358
 Lot: 68
 Street Address: 993 Stuyvesant Avenue
 Year(s): 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 960,000	DOES	\$ 640,000
Impvts	<u>\$ 726,600</u>	<u>NOT</u>	<u>\$ 576,000</u>
Total	<u>\$ 1,366,600</u>	<u>APPLY</u>	<u>\$ 1,216,000</u>

4. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 358
 Lot: 68
 Street Address: 993 Stuyvesant Avenue
 Year(s): 2016

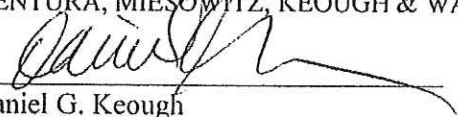
	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 960,000	DOES	\$ 640,000
Impvts	<u>\$ 726,600</u>	<u>NOT</u>	<u>\$ 528,000</u>
Total	<u>\$ 1,366,600</u>	<u>APPLY</u>	<u>\$1,168,000</u>

5. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
6. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
7. The parties agree that there has been no change in value or municipal wide revaluation or

reassessment adopted for the tax year 2017, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

8. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
9. The 2015, 2016 and 2017 tax overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.
10. Defendant Township of Irvington hereby agrees as a material condition of the settlement by the plaintiff reflected herein to assess the subject property for 2018 for land and improvements at the total amount of \$1,120,000, and that this Stipulation shall constitute adequate and sufficient basis for enforcement to implement said 2018 assessment, if not accomplished independent hereof.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

Matthew J. O'Donnell
Attorney for Defendant

Dated: _____

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	<u>Assessment</u>	<u>Judgment</u>	<u>Court Judgment</u>
Land	\$ 840,000	DOES	WITHDRAWN
Impvts	\$ 619,100	<u>NOT</u>	<u>WITHDRAWN</u>
Total	<u>\$ 1,459,100</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

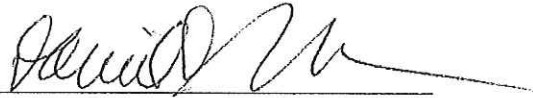
Block: 32
Lot: 3
Street Address: 1278 Clinton Ave.
Year(s): 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 840,000	DOES	\$ 840,000
Impvts	\$ 619,100	<u>NOT</u>	<u>\$ 607,000</u>
Total	<u>\$ 1,459,100</u>	<u>APPLY</u>	<u>\$ 1,447,000</u>

4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
5. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
6. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2017, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).
7. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
8. The 2016 and 2017 tax overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

9. Defendant Township of Irvington hereby agrees as a material condition of the settlement by the plaintiff reflected herein to assess the subject property for 2018 for land and improvements at the total amount of \$1,435,000, and that this Stipulation shall constitute adequate and sufficient basis for enforcement to implement said 2018 assessment, if not accomplished independent hereof.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 
Daniel G. Keough
Attorney for Plaintiff

By: _____
Matthew J. O'Donnell
Attorney for Defendant

Dated:

N:\Beth\DGK\StipSettlement\SAWICK1 ENTITIES\1280 Clinton Ave. Irvington.12-16.wpd

FEINSTEIN RAISS KELIN BOOKER & GOLDSTEIN LLC

Gary D. Gordon, Esq. (Attorney ID #0079212977)

290 W. Mt. Pleasant Avenue, Suite 1340

Livingston, New Jersey 07039

Tel: (973)-324-5400/Fax: (973) 731-4669

Email: Ggordon@frkbg.com

Attorneys for Plaintiff

Boken Realty, LLC,

Plaintiff,

v.

Township of Irvington,

Defendant.

TAX COURT OF NEW JERSEY

DOCKET NOS. 003713-2013, 003200-2014;
007271-2015, 005108-2016 and 004301-2017

Civil Action

STIPULATION OF SETTLEMENT

PROPERTY: 1081 Stuyvesant Avenue

BLOCK 356 LOT 52

And

BLOCK 356 LOT 52 QUAL. B01

1. It is hereby stipulated and agreed that the assessment of the following property be adjudged and a judgment entered as follows:

<i>Block 356 Lot 52</i> <u>YEAR: 2013</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	826,000	297,700
IMPRVT:	<u>1,174,000</u>	<u>1,326,500</u>
TOTAL:	2,000,000	1,624,200
 <i>Block 356 Lot 52</i> <u>YEAR: 2014</u>	 <u>ORIGINAL</u> <u>ASSESSMENT</u>	 <u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	297,700	297,700
IMPRVT:	<u>1,326,500</u>	<u>1,326,500</u>
TOTAL:	1,624,200	1,624,200
 <i>Block 356 Lot 52 Qual. B01</i> <u>YEAR: 2014</u>	 <u>ORIGINAL</u> <u>ASSESSMENT</u>	 <u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	0	0
IMPRVT:	<u>21,200</u>	<u>21,200</u>
TOTAL:	21,200	21,200

<i>Block 356 Lot 52</i> <u>YEAR: 2015</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	297,700	297,700
IMPRVT:	<u>1,326,500</u>	<u>1,326,500</u>
TOTAL:	1,624,200	1,624,200

<i>Block 356 Lot 52 Qual. B01</i> <u>YEAR: 2015</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	0	0
IMPRVT:	<u>21,200</u>	<u>21,200</u>
TOTAL:	21,200	21,200

<i>Block 356 Lot 52</i> <u>YEAR: 2016</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	297,700	297,700
IMPRVT:	<u>1,326,500</u>	<u>1,326,500</u>
TOTAL:	1,624,200	1,624,200

<i>Block 356 Lot 52 Qual. B01</i> <u>YEAR: 2016</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	0	0
IMPRVT:	<u>21,200</u>	<u>21,200</u>
TOTAL:	21,200	21,200

<i>Block 356 Lot 52</i> <u>YEAR: 2017</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	297,700	297,700
IMPRVT:	<u>1,326,500</u>	<u>1,326,500</u>
TOTAL:	1,624,200	1,624,200

<i>Block 356 Lot 52 Qual. B01</i> <u>YEAR: 2017</u>	<u>ORIGINAL</u> <u>ASSESSMENT</u>	<u>TAX COURT</u> <u>JUDGMENT</u>
LAND:	0	0
IMPRVT:	<u>21,200</u>	<u>21,200</u>
TOTAL:	21,200	21,200

2. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.

3. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

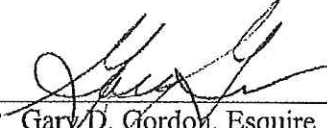
4. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

5. Statutory interest pursuant to N.J.S.A. 54:3-27.2 is waived by the taxpayer provided that the refund is paid within One Hundred Eighty (180) days after entry of Judgment and receipt of said Judgment by the municipality. All refunds as a result of the settlement set forth herein, if any, are to be made payable to "Feinstein Raiss Kelin Booker & Goldstein LLC Trust Account" and forwarded to Gary D. Gordon, Esq., Feinstein Raiss Kelin Booker & Goldstein LLC, 290 W. Mt. Pleasant Avenue, Suite 1340, Livingston, New Jersey 07039.

Feinstein Raiss Kelin Booker & Goldstein LLC

Dated: _____

By: _____


Gary D. Gordon, Esquire
Attorneys for Plaintiff
Boken Realty, LLC

O'DONNELL McCORD, PC

Dated: _____

By: _____

MATTHEW J. O'DONNELL
ATTORNEY AT LAW
STATE OF NEW JERSEY

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

COLONIAL VILLAGE ASSOCIATES, :

Plaintiff, :

vs. :

TOWNSHIP OF IRVINGTON, :

a Municipal Corporation of :

New Jersey, :

Defendant. :

TAX COURT OF NEW JERSEY

Docket No.: 000964-2012,000103-2013

006652-2014,001022-2015

and 006540-2016

CIVIL ACTION

STIPULATION OF SETTLEMENT

(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238

Lot: 12

Street Address: 46 Paine Avenue

Year(s): 2012 and 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 4,620,000	DOES	WITHDRAWN
Impvts	<u>\$ 2,359,600</u>	<u>NOT</u>	<u>WITHDRAWN</u>
Total	<u>\$ 6,979,600</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238

Lot: 13

Street Address: 34 Paine Avenue

Year(s): 2012 and 2013

Original	County Board	Requested Tax
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	<u>Assessment</u>	<u>Judgment</u>	<u>Court Judgment</u>
Land	\$1,380,000	DOES	WITHDRAWN
Impvts	<u>\$ 640,400</u>	<u>NOT</u>	<u>WITHDRAWN</u>
Total	<u>\$ 2,020,400</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238
Lot: 12
Street Address: 46 Paine Avenue
Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,040,000	DOES	WITHDRAWN
Impvts	<u>\$ 2,945,300</u>	<u>NOT</u>	<u>WITHDRAWN</u>
Total	<u>\$ 5,985,300</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

4. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238
Lot: 13
Street Address: 34 Paine Avenue
Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 880,000	DOES	WITHDRAWN
Impvts	<u>\$ 974,900</u>	<u>NOT</u>	<u>WITHDRAWN</u>
Total	<u>\$1,854,900</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

5. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238
Lot: 12
Street Address: 46 Paine Avenue
Year(s): 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,040,000	DOES	\$ 3,040,000

Impvts	<u>\$ 2,945,300</u>	<u>NOT</u>	<u>\$ 2,685,600</u>
Total	<u>\$ 5,985,300</u>	<u>APPLY</u>	<u>\$ 5,725,600</u>

6. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238
 Lot: 13
 Street Address: 34 Paine Avenue
 Year(s): 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 880,000	DOES	\$ 880,000
Impvts	<u>\$ 974,900</u>	<u>NOT</u>	<u>\$ 894,400</u>
Total	<u>\$1,854,900</u>	<u>APPLY</u>	<u>\$1,774,400</u>

7. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238
 Lot: 12
 Street Address: 46 Paine Avenue
 Year(s): 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,040,000	DOES	\$ 3,040,000
Impvts	<u>\$ 2,945,300</u>	<u>NOT</u>	<u>\$ 2,181,300</u>
Total	<u>\$ 5,985,300</u>	<u>APPLY</u>	<u>\$ 5,256,300</u>

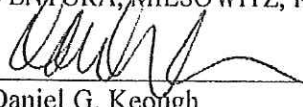
8. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 238
 Lot: 13
 Street Address: 34 Paine Avenue
 Year(s): 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 880,000	DOES	\$ 880,000
Impvts	<u>\$ 974,900</u>	<u>NOT</u>	<u>\$ 758,700</u>
Total	<u>\$1,854,900</u>	<u>APPLY</u>	<u>\$1,673,700</u>

9. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
10. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
11. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2017, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).
12. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
13. The 2015, 2016 and 2017 tax overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.
14. Defendant Township of Irvington hereby agrees as a material condition of the settlement by the plaintiff reflected herein to assess block 238, lot 12 for 2018 for land and improvements at the total amount of \$5,221,300, and to assess block 238, lot 13 for 2018 for land and improvements at the total amount of \$1,638,700, and that this Stipulation shall constitute adequate and sufficient basis for enforcement to implement said 2018 assessment, if not accomplished independent hereof.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

Matthew J. O'Donnell
Attorney for Defendant

Dated: _____

VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C.

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

FERASAW, I.L.C.,

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,
a Municipal Corporation of New Jersey,

Defendant.

TAX COURT OF NEW JERSEY
Docket No.: 006646-2014, 001014-2015
and 006542-2016

CIVIL ACTION

AMENDED 1/11/18
STIPULATION OF SETTLEMENT
(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 10

Street Address: 39 Smith Street

Year(s): 2014 and 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 324,100	DOES	\$ 324,100
Impvts	<u>\$ 943,200</u>	<u>NOT</u>	<u>\$ 843,100</u>
Total	<u>\$ 1,267,200</u>	<u>APPLY</u>	<u>\$ 1,167,200</u>

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 10

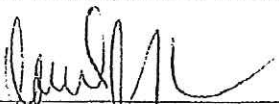
Street Address: 39 Smith Street

Year(s): 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 324,100	DOES	WITHDRAWN
Impvts	\$ 943,200	NOT	WITHDRAWN
Total	\$ 1,267,200	APPLY	WITHDRAWN

3. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
4. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
6. The parties agree that the Freeze Act will not apply to the judgments entered pursuant to this Stipulation.
7. The 2014 and 2015 overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 
 Daniel G. Keough
 Attorney for Plaintiff

By: _____

MATTHEW J. O'DONNELL
 ATTORNEY AT LAW
 STATE OF NEW JERSEY

Dated: _____, 2018

Peter J. Zipp, Esq. - Attorney I.D. 022131986
ZIPP, TANNENBAUM & CACCAVELLI, LLC
280 Raritan Center Parkway
Edison, New Jersey 08837
(732) 605-1000
Attorney for Plaintiff

INVESTORS SAVINGS BANK,

Plaintiff,

v.

IRVINGTON TOWNSHIP,

Defendant.

TAX COURT OF NEW JERSEY

DOCKET NOS.: 007322-2014,
006496-2015, 002026-2016 and
001862-2017

Civil Action

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment be entered as follows:

Block: 358
Lot: 2.04
Street Address: 1059-1071 Stuyvesant Avenue
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 324,200	Direct	\$ 324,200
Impvts	<u>\$ 728,500</u>	Appeal	<u>\$ 728,500</u>
Total	\$1,052,700		\$1,052,700

Block: 358
Lot: 2.04
Street Address: 1059-1071 Stuyvesant Avenue
Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 324,200	Direct	\$ 324,200
Impvts	<u>\$ 728,500</u>	Appeal	<u>\$ 675,800</u>
Total	\$1,052,700		\$1,000,000

Block: 358
Lot: 2.04
Street Address: 1059-1071 Stuyvesant Avenue
Year: 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 324,200	Direct	\$324,200
Impvts	<u>\$ 728,500</u>	Appeal	<u>\$625,800</u>
Total	\$1,052,700		\$950,000

Block: 358
Lot: 2.04
Street Address: 1059-1071 Stuyvesant Avenue
Year: 2017

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 324,200	Direct	\$324,200
Impvts	<u>\$ 728,500</u>	Appeal	<u>\$575,800</u>
Total	\$1,052,700		\$900,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty ~~(60)~~ days of the date of entry of the Tax Court judgment. *180*

5. The parties agree that the property's 2018 total assessment shall be \$900,000 and further agree that either party shall have the right to file a tax appeal for the 2018 tax year to obtain a judgment to implement, enforce and/or confirm the \$900,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 5 regarding the 2018 assessment shall not be reflected in the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to the taxpayer and forwarded to Zipp Tannenbaum & Caccavelli, LLC, 280 Raritan Center Parkway, Edison, New Jersey 08837 within ~~sixty (60)~~ ¹⁸⁰ days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2.

ZIPP TANNENBAUM & CACCAVELLI, LLC

BY:



PETER J. ZIPP, ESQ.
Attorney for Plaintiff

ODONNELL McCORD, P.C.

BY:

MATTHEW J. O'DONNELL, ESQ.
Attorney for Defendant

Dated:

Peter J. Zipp, Esq. - Attorney I.D. 022131986
ZIPP, TANNENBAUM & CACCAVELLI, LLC
280 Raritan Center Parkway
Edison, New Jersey 08837
(732) 605-1000
Attorney for Plaintiff

INVESTORS SAVINGS BANK,

Plaintiff,

v.

IRVINGTON TOWNSHIP,

Defendant.

TAX COURT OF NEW JERSEY

DOCKET NOS.: 007368-2013
007320-2014, 006499-2015,
002028-2016 and 002334-2017

Civil Action

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment be entered as follows:

Block: 343
Lot: 6
Street Address: 1331-33 Springfield Avenue
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 408,000	Direct	\$ 408,000
Impvts	<u>\$ 848,600</u>	Appeal	<u>\$ 848,600</u>
Total	\$1,256,600		\$1,256,600

Block: 343
Lot: 6
Street Address: 1331-33 Springfield Avenue
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 180,600	Direct	\$ 180,600
Impvts	<u>\$ 976,600</u>	Appeal	<u>\$ 894,400</u>
Total	\$1,157,200		\$1,075,000

Block: 343
Lot: 6
Street Address: 1331-33 Springfield Avenue
Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 180,600	Direct	\$ 180,600
Impvts	<u>\$ 976,600</u>	Appeal	<u>\$ 894,400</u>
Total	\$1,157,200		\$1,075,000

Block: 343
Lot: 6
Street Address: 1331-33 Springfield Avenue
Year: 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 180,600	Direct	\$180,600
Impvts	<u>\$ 976,600</u>	Appeal	<u>\$769,400</u>
Total	\$1,157,200		\$950,000

Block: 343
Lot: 6
Street Address: 1331-33 Springfield Avenue
Year: 2017

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 180,600	Direct	\$180,600
Impvts	<u>\$ 976,600</u>	Appeal	<u>\$719,400</u>
Total	\$1,157,200		\$900,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within ~~sixty (60)~~ ¹⁸⁰ days of the date of entry of the Tax Court judgment.

5. The parties agree that the property's 2018 total assessment shall be \$850,000 and further agree that either party shall have the right to file a tax appeal for the 2018 tax year to obtain a judgment to implement, enforce and/or confirm the \$850,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 5 regarding the 2018 assessment shall not be reflected in the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to the taxpayer and forwarded to Zipp Tannenbaum & Caccavelli, LLC, 280 Raritan Center Parkway, Edison, New Jersey 08837 within sixty (60) days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2.

ZIPP TANNENBAUM & CACCAVELLI, LLC

BY:



PETER J. ZIPP, ESQ.
Attorney for Plaintiff

ODONNELL McCORD, P.C.

BY:

MATTHEW J. O'DONNELL, ESQ.
Attorney for Defendant

Dated:

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

NORTH HOPE LLC,

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,
a Municipal Corporation of New Jersey,

Defendant.

TAX COURT OF NEW JERSEY

Docket No. 000911-2011

CIVIL ACTION

APPLICATION FOR JUDGMENT
PURSUANT TO N.J.S.A. 54:51A-8
(Tax Court Freeze Act)

Block: 370

Lot: 25

Street Address: 1438-1442 Springfield Ave

1. Plaintiff is the owner of the above property and demands judgment for the tax year 2012 (the "freeze year") pursuant to N.J.S.A. 54:51A-8 based upon the judgment of the Tax Court for the tax year 2011 (the "base year").

A final judgment will be entered by the Tax Court for the tax year 2012 determining the assessment on the captioned property to be:

Land \$ 512,000

Improvements \$ 238,000

Total \$ 750,000

There is no appeal pending from said base year judgment (or, if said judgment has not yet been entered, it is agreed that such judgment when entered will be a judgment final and no appeal will be filed therefrom).

2. There has been no change in value of the captioned property or revaluation put into effect for the defendant's taxing district for the freeze year referred to in Paragraph 1 above.
3. A Judgment entered pursuant to this Application shall be a final disposition of the entire

controversy and any pending actions between the parties for the captioned property for said freeze year.

4. A Judgment entered pursuant to this Application shall not be the basis for application of N.J.S.A. 54:51A-8 for any subsequent year.
5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
6. The 2012 tax overpayment refund due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

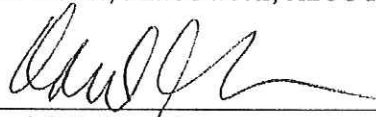
By: 

Daniel G. Keough
Attorney for Plaintiff

Dated:

It is stipulated and agreed that a judgment be entered affirming that the judgment for the base year is applicable for the freeze year.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

Matthew J. O'Donnell
Attorney for Defendant

SCHNECK LAW GROUP LLC

Michael I. Schneck, Esq. – Attorney ID 015981986
301 South Livingston Avenue, Suite 105
Livingston, New Jersey 07039
(973) 533-9300
Attorneys for PLAINTIFF

TAX COURT OF NEW JERSEY
DOCKET NO.: 006680-2014
DOCKET NO.: 000436-2015

OASIS MULTI FAMILY

Plaintiff,

Civil Action

vs.

STIPULATION OF SETTLEMENT
(Without Affidavit)

TOWNSHIP OF IRVINGTON

Defendant.

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted
and a judgment entered as follows:

BLOCK: 44

LOT: 4

STREET ADDRESS: 336 STUYVESANT AVE.

Year: 2014	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$1,600,000		
IMPROVEMENTS	\$1,414,100	Direct Appeal	WITHDRAWN
TOTAL	\$3,014,100		

Year: 2015	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$1,600,000		\$1,600,000
IMPROVEMENTS	\$1,414,100	Direct Appeal	\$1,000,000
TOTAL	\$3,014,100		\$2,600,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds as a result of the settlement set forth herein shall be paid by refund check, made payable to: 'Michael I. Schneck, Esq., Attorney for OASIS MULTI FAMILY', and forwarded to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, NJ 07039 within one hundred eighty (180) days of the date of the Judgment.

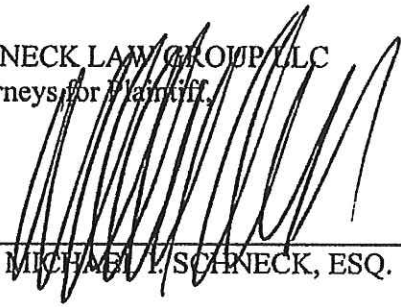
5. Statutory interest pursuant to N.J.S.A. 54:3-27.2 is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 180 days from the date of the entry of the Judgment. The parties agree that the Freeze Act will not apply to this Judgment.

6. The provisions of paragraph 4 and 5 shall survive Judgment even if not included on the Judgment issued by the Tax Court of New Jersey.

7. All counterclaims will be withdrawn as part of this settlement.

8. If the subject property is sold to an unrelated party subsequent to the execution of the within Stipulation of Settlement but on or before the date the refund is to be paid as a result of the judgment entered in this case, defendant hereby waives the application of N.J.S.A. 54:4-134 and agrees that the refund shall be paid by check pursuant to paragraph 4.

SCHNECK LAW GROUP LLC
Attorneys for Plaintiff,

BY: 

MICHAEL L. SCHNECK, ESQ.

DATED: _____

TOWNSHIP OF IRVINGTON,
DEFENDANT

BY: _____

Matthew O'Donnell, Esq.

DATED: _____

SCHNECK LAW GROUP LLC

Michael I. Schneck, Esq. – Attorney ID 015981986

301 South Livingston Avenue, Suite 105

Livingston, New Jersey 07039

(973) 533-9300

Attorneys for PLAINTIFF

TAX COURT OF NEW JERSEY

DOCKET NO.: 006682-2014

DOCKET NO.: 000435-2015

OASIS MULTY FAMILY

Plaintiff,

Civil Action

vs.

STIPULATION OF SETTLEMENT

(Without Affidavit)

TOWNSHIP OF IRVINGTON

Defendant.

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment entered as follows:

BLOCK: 17

LOT: 72

STREET ADDRESS: 505-515 STUYVESANT

Year: 2014	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$400,000		\$400,000
IMPROVEMENTS	\$1,085,200	Direct Appeal	\$1,000,000
TOTAL	\$1,485,200		\$1,400,000

Year: 2015	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$400,000		\$400,000
IMPROVEMENTS	\$1,085,200	Direct Appeal	\$950,000
TOTAL	\$1,485,200		\$1,350,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds as a result of the settlement set forth herein shall be paid by refund check, made payable to: 'Michael I. Schneck, Esq., Attorney for OASIS MULTY FAMILY', and forwarded to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, NJ 07039 within one hundred eighty (180) days of the date of the Judgment.

5. Statutory interest pursuant to N.J.S.A. 54:3-27.2 is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 180 days from the date of the entry of the Judgment. The parties agree that the Freeze Act will not apply to this Judgment.

6. The provisions of paragraph 4 and 5 shall survive Judgment even if not included on the Judgment issued by the Tax Court of New Jersey.

7. All counterclaims will be withdrawn as part of this settlement.

8. If the subject property is sold to an unrelated party subsequent to the execution of the within Stipulation of Settlement but on or before the date the refund is to be paid as a result of the judgment entered in this case, defendant hereby waives the application of N.J.S.A. 54:4-134 and agrees that the refund shall be paid by check pursuant to paragraph 4.

SCHNECK LAW GROUP/L.L.C.
Attorneys for Plaintiff,

BY: _____

MICHAEL I. SCHNECK, ESQ.

DATED:

TOWNSHIP OF IRVINGTON,
DEFENDANT

BY: _____

Matthew O'Donnell, Esq.

DATED:

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

PARKEDGE ASSOCIATES,

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,

a Municipal Corporation of

New Jersey,

Defendant.

TAX COURT OF NEW JERSEY

Docket No.: 000954-2012, 001313-2013

006674-2014, 001012-2015

and 006545-2016

CIVIL ACTION

STIPULATION OF SETTLEMENT

(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 12

Street Address: 27-37 Smith St.

Year(s): 2012 and 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 1,080,000	DOES	WITHDRAWN
Impvts	\$ 540,000	NOT	WITHDRAWN
Total	<u>\$ 1,620,000</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 12

Street Address: 27-37 Smith St.

Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 528,900	DOES	WITHDRAWN
Impvts	<u>\$ 1,242,700</u>	<u>NOT</u>	<u>WITHDRAWN</u>
Total	<u>\$ 1,771,600</u>	<u>APPLY</u>	<u>WITHDRAWN</u>

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34
Lot: 12
Street Address: 27-37 Smith St.
Year(s): 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 528,900	DOES	\$ 528,900
Impvts	<u>\$ 1,242,700</u>	<u>NOT</u>	<u>\$ 839,100</u>
Total	<u>\$ 1,771,600</u>	<u>APPLY</u>	<u>\$1,368,000</u>

4. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34
Lot: 12
Street Address: 27-37 Smith St.
Year(s): 2016

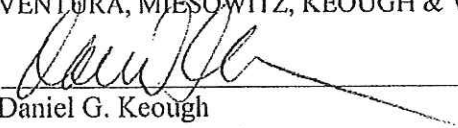
	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 528,900	DOES	\$ 528,900
Impvts	<u>\$ 1,242,700</u>	<u>NOT</u>	<u>\$ 785,100</u>
Total	<u>\$ 1,771,600</u>	<u>APPLY</u>	<u>\$ 1,314,000</u>

5. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
6. The parties agree that there has been no change in value or municipal wide revaluation or

reassessment adopted for the tax year 2017, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

7. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
8. The 2015, 2016 and 2017 tax overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.
9. Defendant Township of Irvington hereby agrees as a material condition of the settlement by the plaintiff reflected herein to assess the subject property for 2018 for land and improvements at the total amount of \$1,260,000, and that this Stipulation shall constitute adequate and sufficient basis for enforcement to implement said 2018 assessment, if not accomplished independent hereof.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

Matthew J. O'Donnell
Attorney for Defendant

Dated: _____

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VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C.

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

PI BON PATE, INC.,

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,

a Municipal Corporation of

New Jersey,

Defendant.

TAX COURT OF NEW JERSEY

Docket No.: 010195-2013, 010673-2014
& 009718-2016

CIVIL ACTION

STIPULATION OF SETTLEMENT
(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 281

Lot: 7

Street Address: 6 Ball Street

Year(s): 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 198,900	\$ 198,900	\$ 133,900
Impvts	\$ <u>3,100</u>	\$ <u>3,100</u>	\$ <u>26,100</u>
Total	\$ <u>202,000</u>	\$ <u>202,000</u>	\$ <u>160,000</u>

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 281

Lot: 7

Street Address: 6 Ball Street

Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 198,900	\$ 198,900	WITHDRAWN
Impvts	\$ 3,100	\$ 3,100	WITHDRAWN
Total	\$ 202,000	\$ 202,000	WITHDRAWN

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 281
Lot: 7
Street Address: 6 Ball Street
Year(s): 2016

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 78,700	\$ 78,700	\$ 78,700
Impvts	\$ 68,500	\$ 68,500	\$ 46,300
Total	\$ 147,200	\$ 147,200	\$ 125,000

4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
5. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
6. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2017, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).
7. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
8. The 2013, 2016 and 2017 tax overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

9. Defendant Township of Irvington hereby agrees as a material condition of the settlement by the plaintiff reflected herein to assess the subject property for 2018 for land and improvements at the total amount of \$125,000, and that this Stipulation shall constitute adequate and sufficient basis for enforcement to implement said 2018 assessment, if not accomplished independent hereof.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

Matthew J. O'Donnell
Attorney for Defendant

Dated:

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VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C.

Daniel G. Keough, Esq., Attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

SMITH STREET ASSOCIATES, LLC,

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,

a Municipal Corporation of

New Jersey,

Defendant.

TAX COURT OF NEW JERSEY

Docket No.: 010663-2014, 009407-2015
& 009721-2016

CIVIL ACTION

AMENDED 1/11/18

STIPULATION OF SETTLEMENT

(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 15

Street Address: 23 Smith Street

Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 233,800	\$ 233,800	WITHDRAWN
Impvts	\$ 292,000	\$ 292,000	WITHDRAWN
Total	\$ 525,800	\$ 525,800	WITHDRAWN

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 15

Street Address: 23 Smith Street

Year(s): 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 233,800	\$ 233,800	\$ 233,800
Impvts	\$ 292,000	\$ 292,000	\$ 246,200
Total	\$ 525,800	\$ 525,800	\$ 480,000

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 34

Lot: 15

Street Address: 23 Smith Street

Year(s): 2016

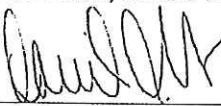
	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 233,800	\$ 233,800	WITHDRAWN
Impvts	\$ 292,000	\$ 292,000	WITHDRAWN
Total	\$ 525,800	\$ 525,800	WITHDRAWN

4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
5. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
6. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
7. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax years 2016 & 2017, and therefore agree that the

provisions of N.J.S.A. 54:51a-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

8. The 2015, 2016 & 2017 tax overpayment refunds due as a result of the Judgment that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

MATTHEW J. O'DONNELL
ATTORNEY AT LAW
STATE OF NEW JERSEY

Dated: _____, 2018

VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C.

Daniel G. Keough, Esq., attorney ID 021771983

783 Springfield Avenue

Summit, New Jersey 07901

(908)277-2410

Attorneys for Plaintiff

SMITH STREET ASSOCIATES, LLC,

Plaintiff,

vs.

TOWNSHIP OF IRVINGTON,

a Municipal Corporation of New Jersey,

Defendant.

TAX COURT OF NEW JERSEY

Docket No.: 010616-2014, 009476-2015

& 009673-2016

CIVIL ACTION

AMENDED 1/11/18

STIPULATION OF SETTLEMENT

(Without Affidavit)

Assigned Judge: Honorable Christine M. Nugent, J.T.C.

First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 81

Lot: 24

Street Address: 34-36 Smith Street

Year(s): 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 212,500	\$ 212,500	WITHDRAWN
Impvts	\$ 257,900	\$ 257,900	WITHDRAWN
Total	\$ 470,400	\$ 470,400	WITHDRAWN

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 81

Lot: 24

Street Address: 34-36 Smith Street

Year(s): 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 212,500	\$ 212,500	\$ 212,500
Impvts	\$ 257,900	\$ 257,900	\$ 227,500
Total	\$ 470,400	\$ 470,400	\$ 440,000

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 81

Lot: 24

Street Address: 34-36 Smith Street

Year(s): 2016

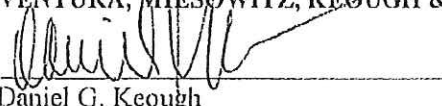
	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 212,500	\$ 212,500	WITHDRAWN
Impvts	\$ 257,900	\$ 257,900	WITHDRAWN
Total	\$ 470,400	\$ 470,400	WITHDRAWN

4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisal, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
5. Based on the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
6. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 180 days of the date of entry of the Tax Court judgment.
7. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax years 2016 & 2017, and therefore agree that the

provisions of N.J.S.A. 54:51a-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

8. The 2015, 2016 & 2017 tax overpayment refunds due as a result of the Judgments that will issue from the Tax Court based hereon will be made in the form of a check made payable to "Daniel G. Keough, Trustee" and sent to Mr. Keough.

VENTURA, MIESOWITZ, KEOUGH & WARNER, PC

By: 

Daniel G. Keough
Attorney for Plaintiff

By: _____

MATTHEW J. O'DONNELL
ATTORNEY AT LAW
STATE OF NEW JERSEY

Dated: _____, 2018

LAW OFFICE OF NATHAN P. WOLF, LLC

673 Morris Avenue

Springfield, New Jersey 07081

(973) 218-6323

Attorney for Plaintiff

Attorney ID#022241979

SOTNAS GARDEN APTS., CORP.,

Plaintiff

vs.

TOWNSHIP OF IRVINGTON,

Defendant

TAX COURT OF NEW JERSEY

Docket Number: 8804-2015

Docket Number: 10030-2016

Docket Number: 08577-2017

Civil Action

STIPULATION OF SETTLEMENT

(Without Affidavit)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 208

Lot: 17

Street Address: 19 Bruen Avenue

Years: 2015, 2016, 2017

2015	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT JUDGMENT</u>
LAND	\$26,600	\$26,600	
IMPROVEMENTS	<u>\$656,400</u>	<u>\$656,400</u>	<u>WITHDRAWN</u>
TOTAL	\$683,000	\$683,000	

2016	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT JUDGMENT</u>
LAND	\$26,600	\$26,600	\$26,600
IMPROVEMENTS	<u>\$656,400</u>	<u>\$656,400</u>	<u>\$619,400</u>
TOTAL	\$683,000	\$683,000	\$646,000

2017	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT JUDGMENT</u>
LAND	\$26,600	\$26,600	\$26,600
IMPROVEMENTS	<u>\$656,400</u>	<u>\$656,400</u>	<u>\$573,400</u>
TOTAL	\$683,000	\$683,000	\$600,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with the assessing practices generally applicable in the taxing district as required by law.

4. All refunds as a result of the settlement set forth herein shall be payable to: "Law Office of Nathan P. Wolf, LLC and SOTNAS GARDEN APTS., CORP.", and forwarded to Chad E. Wolf.

5. Provided that the refund payable as a result of the entry of Judgment pursuant to this stipulation is made within one hundred eighty (180) days of the date of the Judgment, taxpayer agrees to waive the interest otherwise payable pursuant to *N.J.S.A. 54:3-27*.

6. The parties further agree that the 2018 assessment shall be \$600,000. Taxpayer may file an appeal in 2018 to affirm the assessment in order to provide Freeze Act protection. In the event that the assessment is not set at \$600,000 for 2018, Defendant agrees to execute any and all appropriate stipulations to implement the settlement.

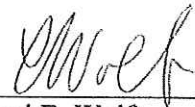
8. Notwithstanding the foregoing, in the event that the improvements on the property become subject to *N.J.S.A. 54:4-35.1* due to destruction, fire, etc., taxpayer shall retain its right of appeal without limitation.

9. Any provisions herein which are not incorporated in the judgment issued by the Court shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

LAW OFFICE OF NATHAN P. WOLF, LLC
Attorney for Plaintiff

DATED:

BY:


Chad E. Wolf

O'DONNELL MCCORD, P.C.
Attorneys for Defendant

DATED:

BY:

MATTHEW J. O'DONNELL
ATTORNEY AT LAW
STATE OF NEW JERSEY