

2021 - 347

REILLY LIKE & TENETY

**Attorney At Law
50 Main Street
Suite 1000
White Plains, NY 10606**

**Vincent C. Tenety
Bernard J. Reilly (1924-92)**

**(914) 682-6851
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**PLEASE RESPOND TO OUR BABYLON OFFICE
P O BOX 818, BABYLON NY 11702**

March 15, 2021

**Westchester County Finance Department
148 Marine Avenue, Suite 724 – Tax Certiorari
White Plains, New York 10601**

Att: John McGinty

Re: Consent Judgment – GUENKEL V Mt Pleasant

Dear Mr. McGinty:

In connection with the above matter, we enclose for service upon the Westchester County Finance Department the following Consent Judgment, Notice of Entry of Judgment and Demand for Payment. Also enclosed find proof of payment letter from Town of Mt. Pleasant and attachments.

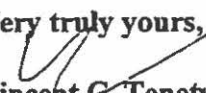
GUENKEL , ERICK & DOROTHY

v

**Town of Mt. Pleasant
873 Franklin Avenue
Thornwood, NY
Sec: 106.15 Block: 1 Lot: 70**

Please let us know if there is anything further you require in order to process the refunds for the above property owners.

Thank you for your assistance in this matter.

Very truly yours,

Vincent C. Tenety

**VCT:pb
Enclosures
cc:
Christopher Feldman, Esq.
Town of Mt. Pleasant
445 Hamilton Avenue
White Plains, NY 1060**

**Town of Mt Pleasant
1 Town Hall Plaza
Valhalla, NY 10595
Att: Comptroller / Receiver of Taxes**

**Westchester County Board of Legislators
800 Michaelian Office Building ✓
148 Marine Avenue, 8th Floor
White Plains, NY 10601**

**Mt. Pleasant Central School District
825 Westlake Drive
Thornwood, NY 10594
Att: Superintendent of Schools / Att: District Treasurer**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of

The Application for a Review under Article 7 of the
Real Property Tax Law of a Tax Assessment by
GUENKEL, ERICK AND DOROTHY

Petitioners,
-against-

THE ASSESSOR OF THE TOWN OF MOUNT
PLESSANT AND THE BOARD OF ASSESSMENT
REVIEW OF THE TOWN OF MOUNT PLEASANT

Respondent (s)

For a review under Article 7 of the Real Property
Tax Law, etc.

NOTICE OF ENTRY OF
JUDGMENT AND
DEMAND FOR PAYMENT

Index No.

25033/2010

15886/2011

65118/2012

64472/2013

67844/2014

66692/2015

Premises:

873 Franklin Avenue

Thkomwood, NY

Section: 106.15

Block: 1

Lot: 70


-----X
PLEASE TAKE NOTICE that annexed hereto is a certified, true copy of a
Judgment entered in the Office of the Clerk of the within-named Court on March 11, 2021.

The undersigned attorney for the Petitioner(s) hereby demands that the refunds
directed to be audited, allowed and paid to the Petitioner(s) in the above-entitled proceedings,
pursuant to the said Judgment of the Supreme Court of the State of New York dated March 4,
2021 be allowed and paid, together with interest thereon from the respective dates of payment of
the taxes affected thereby, as stated in said Judgment.

This demand is made upon you pursuant to Section 726 of the Real Property Tax
Law of the State of New York.

Dated: March 15, 2021
White Plains, New York

Yours. Etc.



Vincent C. Tenety, Esq.
Reilly, Like and Tenety
Attorney for Petitioner(s)
50 Main Street- Suite 1000
White Plains, NY 10606TO:

Westchester County Finance Dept.
Westchester County Board of Legislators
Town of Mount Pleasant
Att: Comptroller, Receiver of Taxes
Mt. Pleasant Central School District
Att: Superintendent of Schools
Att: District Treasurer

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of

The Application for a Review under Article 7 of the
Real Property Tax Law of a Tax Assessment by

GUENKEL, ERICK AND DOROTHY

Petitioner(s),

- against -

ASSESSOR of the Town of MOUNT PLEASANT
And the Board of Assessment Review of the
Town of MOUNT PLEASANT

Respondent.

File Under
Index No.

Index Nos.

- 25033/2010 ✓
- 15886/2011 ✓
- 65118/2012 ✓
- 64472/2013 ✓
- 67844/2014 ✓
- 66692/2015 ✓

RECEIVED

FEB 17 2021

CHIEF CLERK
WESTCHESTER SUPREME
AND COUNTY COURTS

CONSENT JUDGMENT

Premises:
873 Franklin Avenue
Thornwood, NY

Section 106.15
Block 1
Lot 70

Petitions with due notice thereof having been presented to this Court in connection with proceedings to review certain real property tax assessments which were filed by the Town of Mount Pleasant with respect to premises previously owned by Petitioner herein and located at 873 Franklin Avenue, Thornwood, New York also designated as Section 106.15 Block 1 Lot 70 on the Official Assessment Map of the Town of Mount Pleasant for assessment years 2010 through 2015 County and Town tax years 2011 through ~~2015~~ 2016 - CHF and School tax years 2011/12 through 2016/17; and

Said proceedings having duly come on to be heard at an IAS Term of this Court, and the Petitioner having appeared by Reilly, Like & Tenety, Esqs and the Respondent Town of Mount Pleasant having appeared by Christopher Feldman Esq. for assessment years 2010 thru 2015 and of Harris Beach, PLLC

the parties having agreed to settle said proceedings as appears hereinafter, it is

ORDERED, ADJUDGED AND DECREED that the assessments on Petitioner's said real property known as Section 106.15 Block 1 Lot 70 on the Official Assessment Map of the Town of Mount Pleasant which were filed for the years involved herein as follows:

Assessment Years 2010 thru 2015

be and the said assessments are hereby corrected and reduced to the following amounts:

Assessment Year	Tax Year	Current Assessment	Reduction in Assessment	New Assessment
2010	2011	11,450	3,550	7,900
2011	2012	11,450	3,190	8,260
2012	2013	11,450	2,880	8,570
2013	2014	11,450	2,170	9,280
2014	2015	11,450	1,790	9,660
2015	2016	11,450	2,350	9,100

and it is further

ORDERED, ADJUDGED AND DECREED that the allocation of the stipulated assessed values as between land and improvements shall be left to the sole discretion of the Assessor of the Town of Mount Pleasant and it is further

ORDERED, ADJUDGED AND DECREED that the officers having custody of the rolls upon which the above-mentioned assessments are entered, shall forthwith correct said entries in conformity with this judgment and shall note upon the margin of said rolls, opposition said entries, that the same have been corrected by the authorization of this judgment; and it is further

ORDERED, ADJUDGED AND DECREED that there shall be audited, allowed and paid by the Town of Mount Pleasant, and the appropriate fiscal officers thereof are hereby directed to refund to Petitioner, the amount paid as Town taxes and taxes relating to any special

district for which said Town collects such taxes, including a pro rata refund of any late payment penalty and interest collected by said Town, upon the basis of said erroneous assessments in excess of what the taxes would have been if said assessments had been fixed in accordance with this judgment, with interest thereon in accordance with the provisions of the Real Property Tax Law of the State of New York; and it is further

ORDERED, ADJUDGED AND DECREED that there shall be audited, allowed and paid by the Mount Pleasant School District and the appropriate fiscal officers thereof are hereby directed to refund to Petitioner, the amount paid as School District taxes and taxes relating to any special district for which said School District collects such taxes including a pro rata refund of any late payment penalty and interest collected by said School District, upon the basis of said erroneous assessments in excess of what the taxes would have been if said assessments had been fixed in accordance with this judgment, with interest thereon in accordance with the provisions of the Real Property Tax Law of the State of New York; and it is further

ORDERED, ADJUDGED AND DECREED that the County Board of Legislators of Westchester County be and it is hereby authorized and directed to audit, allow and pay the amount of State, County, Judiciary, Refuse and Sewer District Taxes paid upon the basis of said erroneous assessments in excess of what the taxes would have been if said assessments had been fixed in accordance with this judgment, with interest thereon in accordance with the provisions of the Real Property Tax Law of the State of New York; and it is further

ORDERED, ADJUDGED AND DECREED that all payments directed to be made hereunder shall be drawn to the order of Reilly, Like & Tenety as Attorneys for Petitioner; and it is further

ORDERED, ADJUDGED AND DECREED that the contrary provisions of the fourth, fifth and sixth decretal paragraphs hereof notwithstanding, if any such tax refund payable

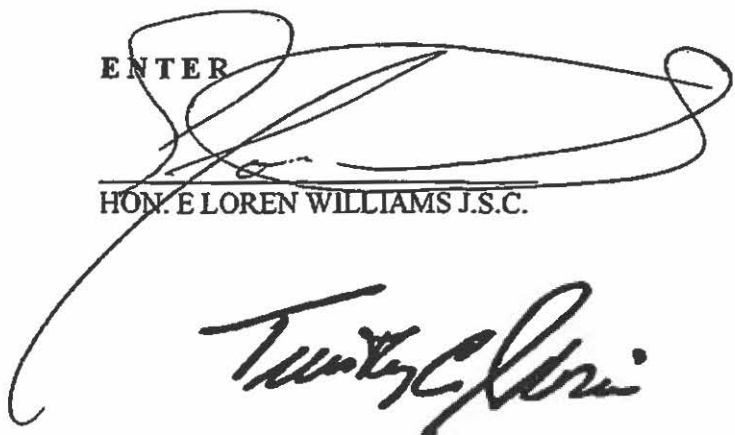
pursuant to this judgment shall be paid within ^{Ninet(90) C.F.VLT} ~~seventy~~ days of the service hereof upon the Clerks or Financial Officers of the Town and School District, and in the case of the County tax refund upon the Westchester County Department of Finance with proof of payment of taxes, no interest shall be paid thereon. Taxes refunded thereafter shall be paid with interest from the date of each tax payment in accordance with the provisions of the fourth, fifth and sixth decretal paragraphs hereof; and it is further

ORDERED, ADJUDGED AND DECREED that this judgment shall be entered without costs to either party.

Dated: White Plains, New York

MARCH 9, 2021

ENTER

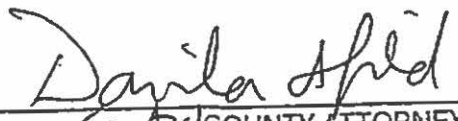


HON. E LOREN WILLIAMS J.S.C.



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

DATED: March 2, 2021


 COUNTY ATTORNEY
 THE COUNTY OF WESTCHESTER

Petitioner..... Erick and Dorothy Guenkel
PO Box 825
Franklin, NY 13775

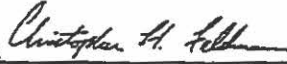
Respondents..... Assessor and Board of Assessment Review
of the Town of Mount Pleasant
1 Town Hall Plaza
Valhalla, NY 10595

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

REILLY, LIKE & TENETY
Attorneys for Plaintiff(s)
50 Main Street - Suite 1000
White Plains, New York 10606
(914) 682-6851 - *Vtenety@RLT-LAW.com*

By: 
Vincent C. Tenety

Christopher Feldman, Esq.
Harris-Beach Esqs
Special Counsel to Town of Mount Pleasant

By: 
Christopher Feldman
445 Hamilton Avenue
White Plains, NY 10601
C.Feldman@HARRISBEACH.COM

INGERMAN SMITH, LLP

By: 

ELISE MAHOVER, ESQ.

Attorneys for Mount Pleasant Central School District

Intervenor-Respondent

550 Mamaroneck Avenue, Suite 209

Harrison, New York 10528