



Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 700
Madison, WI 53703

Telephone: 608-229-2200
Facsimile: 608-229-2100
reinhartlaw.com

Don M. Millis
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

January 29, 2024

CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Maribeth Witzel-Behl, City Clerk
City of Madison
City County Building
210 Martin Luther King Jr. Boulevard
Madison, WI 53703

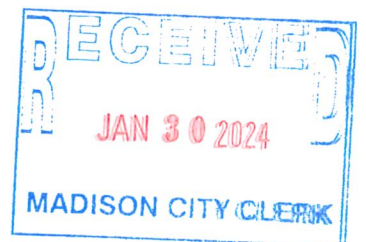
Dear Clerk:

Re: Tax Parcel No. 0709-202-2302-4

Now comes Claimant, Frey Street Office, LLC, owner of parcel 0709-202-2302-4 (the "Property") in Madison, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Madison (the "City"), pursuant to Wis. Stat. § 74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the Claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2023, plus statutory interest, with respect to the Property.
2. Claimant is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.
3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 210 Martin Luther King Jr. Boulevard in the City.

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Hand delivered *HL*

4. The Property is located at 4601 Frey Street, Unit 400, within the City and is identified in the City's records as Tax Parcel No. 0709-202-2302-4.
5. The Wisconsin Department of Revenue determined that the aggregate ratio of property assessed in the City was 99.4405242% as of January 1, 2023.
6. For 2023, property tax was imposed on property in the City at the rate of \$18.278463 per \$1,000 for of the assessed value for Property.
7. For 2023, the City's assessor set the assessment of the Property at \$7,346,800.
8. Claimant appealed the 2023 assessment of the Property by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).
9. The City's Board of Assessors reviewed Claimant's and increased the assessment to \$8,420,000. Claimant timely requested a hearing with the Board of Review.
10. The City's Board of Review heard Claimant's objection and sustained the assessment at \$8,420,000.
11. The City imposed tax on the Property in the amount of \$153,904.65.
12. Claimant timely paid the property taxes imposed by the City on the Property for 2023, or the required installment thereof.
13. The fair market value of the Property as of January 1, 2023 was no higher than \$5,088,100.
14. Based on the aggregate ratio 99.4405242%, the correct assessment of the Property for 2023 is no higher than \$5,059,633.
15. Based on the tax rate of \$18.278463 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2023 should be no higher than \$92,482.
16. The 2023 assessment of the Property, as set by the City's Board of Assessors and compared with other properties in the City was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2023 was excessive in at least the amount of \$61,422.

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17. Upon information and belief the City will take the position that the assessment of property in the City is at market value and, if true, then an over assessment of the Property constitutes a Uniformity Clause violation. As a result of the assessment of the Property, the Property bears an unreasonably disproportionate share of taxes on an ad valorem basis.

18. Claimant is entitled to a refund of 2023 tax in the amount of \$61,422, or such greater amount as may be determined to be due to Claimant, plus statutory interest.

19. The amount of this claim is \$61,422, plus interest thereon.

Dated at Madison, Wisconsin, this 29th day of January, 2024.

Sincerely,



Don M. Millis
Agent for Claimant

51148736

THE OFFICE OF THE CITY CLERK
CITY OF MADISON, WISCONSIN
120 EAST MONROE STREET
MADISON, WISCONSIN 53703
TEL: 608/261-1000
WWW.CITYOFMADISON.WI.GOV

RELIABLE PROCESS SERVICE LLC

Served: 1/30, 2024

Time: 3:30 PM

Place: 215 Martin Luther King Jr. Boulevard Room 153

- Manner: Personal Service
 Substituted Service
 Service on Corporation
 Post-mail

Person Served: City of Madison

Process Server: Lynn M Dobler

Lynn M Dobler