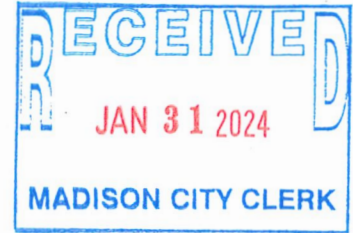


CLAIM ON AN EXCESSIVE ASSESSMENT

To: City of Madison
Maribeth Witzel-Behl, Clerk
Room 153
Madison Municipal Building
215 Martin Luther King Boulevard
Madison, WI 53703



Claimant S&M Warehousing LLC, owner of the property located in the City of Madison, Wisconsin, identified by Parcel Number 081031224463, (“the Property”), by claimant’s attorney, Robert E. Shumaker of DeWitt LLP, respectfully submits this Claim on an Excessive Assessment, pursuant to Wis. Stat. § 74.37, respectively, stating as follows:

1. Claimant is the owner of the Property, located at 1422 Packers Avenue, Madison, WI 53704.
2. For 2022, the Office of the City Assessor (the “Assessor”) the value of the Property as being \$1,585,200 as of January 1, 2022.
3. In April 2023, Claimant received a Notice of Assessment for 2023 stating that the Assessor determined that the assessed value of the Property was \$1,905,200 as of January 1, 2023, and that the “Reason for Change” was “REVALUATION.”
4. On May 2, 2023, Claimant timely filed an Objection to the Assessor’s assessment of the Property for 2023.
5. In its Objection, Claimant stated that one reason for its Objection included that “[t]he age of the buildings and cost for major repairs that will need to be done in the near future.”
6. In its Objection, Claimant stated, “I would like an inspection of my property subject to the information provided on this form.”
7. Despite Claimant’s request for an inspection of the Property and despite its statement that one reason for its Objection was “[t]he age of the buildings and cost for major repairs that will need to be done in the near future,” upon information and belief, the Assessor did not inspect that Property.
8. On September 21, 2023—more than four months after Claimant filed its Objection—the Assessor issued a letter to Claimant stating “[a]s a result of the assessment appeal you filed on the above property, the Board of Assessors has reviewed and revised the [2023] assessment” by changing the assessed value of the Property from \$1,905,200 to \$4,040,000.
9. Despite having taken more than four months to respond to Claimant’s Objection, the Assessor’s September 21, 2023, letter provided Claimant with only 15 days—until October 6, 2023—to request a hearing before the Board of Review.
10. Claimant timely requested a hearing before the Board of Review and appeared before the Board of Review on October 19, 2023, without sufficient notice to obtain an new appraisal of the Property to challenge the Assessor’s increase of the assessed value of the Property from \$1,585,200 as of January 1, 2022, to \$1,905,200 as of January 1, 2023, or the

Assessor's change in the assessed value of the Property from \$1,905,200 to \$4,040,000 "[a]s a result of the assessment appeal [Claimant] filed"

11. On a vote of 3-1, with the Chair of the Board of Review voting otherwise, the Board of Review affirmed the determination that that assessed value of the Property for 2023 was \$4,040,000.

12. Wis. Stat. § 70.32 provides that:

Real property shall be valued by the assessor in the manner specified in the Wisconsin property assessment manual provided under s. 73.03 (2a) from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefor at private sale. In determining the value, the assessor shall consider recent arm's-length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm's-length sales of reasonably comparable property; recent arm's-length sales of reasonably comparable property; and all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed.

13. Similarly, the Wisconsin Property Assessment Manual provides as follows:

The assessor must determine the value according to sec. 70.32(1), Wis. Stats. by first considering "any recent arm's-length sales of the [subject] property to be assessed if according to acceptable appraisal practices those sales conform to recent arm's-length sales of reasonably comparable property." If no recent sales of the subject property exist, then the assessor must consider "recent arm's-length sale of reasonably comparable property." If no recent sales of the subject property and no recent sales of comparable property exist, then the assessor must consider "all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed."

14. The Assessor's and the Board of Review's determination of the assessed value of the Property as of January 1, 2023, in the amount of \$4,050,000 is excessive.

15. The Assessor's and the Board of Review's determination of the assessed value of the Property as of January 1, 2023, in the amount of \$4,050,000 violates Article VIII, section 1 (the "Uniformity Clause"), of the Wisconsin Constitution.

16. As a result of the excessive assessment of the Property, the City of Madison issued a 2023 Real Property Tax Bill to Claimant with respect to the Property in the amount of \$73,756.84.

17. Claimant timely paid the full amount of \$73,756.84 billed by the City of Madison for the 2023 real estate taxes on the Property.

18. The assessed value of the Property for 2023 should have been no more than \$1,585,200.

19. Based on the 2023 mill rate of 0.01827846, the 2023 taxes on the Property should have been no more than \$28,975.01, minus a Lottery and Gaming Credit of \$88.15 for a net total of \$28,886.86.

20. As a result of the excessive tax, Claimant is entitled to recover \$44,869.98 from the City of Madison.

21. According, the amount of this claim is for \$44,869.98.

Dated this 31st day of January, 2024.

DEWITT LLP

By: 

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ATTORNEYS FOR CLAIMANT