

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE

Greenfield Terrace, LLC vs. City of West Allis

**Electronic Filing
Notice**

Case No. 2024CV006420

Class Code: Money Judgment

FILED

08-08-2024

Anna Maria Hodges

Clerk of Circuit Court

2024CV006420

Honorable Jean Marie

Kies-45

Branch 45

CITY OF WEST ALLIS
7525 W. GREENFIELD AVENUE
WEST ALLIS WI 53214

RUSH!

SPS
8/9/24
12:00
collp

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Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4140.

Milwaukee County Circuit Court
Date: August 8, 2024

WEST ALLIS ATTORNEY
9 AUG '24 PM1:04

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08-08-2024

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2024CV006420

Honorable Jean Marie

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STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

GREENFIELD TERRACE, LLC

P.O. Box 307

Oak Creek, Wisconsin 53154

Plaintiff,

v.

Case No. _____

Case Code: 30301

Case Type: Money Judgment

CITY OF WEST ALLIS

7525 W. Greenfield Avenue

West Allis, Wisconsin 53214

Defendant.

SUMMONS

THE STATE OF WISCONSIN, TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233, and to plaintiff's attorney, Eric J. Hatchell, Foley & Lardner LLP, 150 E. Gilman Street, P.O. Box 1497, Madison, WI 53701-1497. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 8th day of August, 2024.

FOLEY & LARDNER LLP

Electronically signed by Eric J. Hatchell

Eric J. Hatchell (WI Bar No. 1082542)

Evan V. Bondoc (WI Bar No. 1123612)

FOLEY & LARDNER LLP

150 E. Gilman Street

P.O. Box 1497

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Attorneys for the Plaintiff

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CITY OF WEST ALLIS

7525 W. Greenfield Avenue

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Defendant.

COMPLAINT

Plaintiff, by its undersigned attorneys, Foley & Lardner LLP, as and for its Complaint against the defendant, City of West Allis ("City"), hereby alleges and shows to the Court as follows:

NATURE OF ACTION AND PARTIES

1. This is an action brought pursuant to Wis. Stat. § 74.37 to recover a refund of future 2024 real property taxes that will be imposed because of the excessive assessment of the real property described below.
2. Plaintiff owns the parcel of real property identified by the City as 449-9989-002, located at 10525 W. Greenfield Ave., West Allis, Wisconsin 53948 (the "Subject Property").
3. The defendant City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law.

CLAIM FOR RELIEF

4. For the 2024 tax year, the City assessed the Subject Property at \$3,868,200 (“the 2024 assessment”).

5. The 2024 assessment was excessive and exceeded the fair market value of the Subject Property.

6. Pursuant to Wis. Stat. § 70.47(8m), the City Assessor requested a waiver of the board of review hearing. The waiver request was approved by the Board of Review.

7. Under Wisconsin law, the waiver of board of review hearing satisfies the taxpayer’s obligation to file a claim with the municipality prior to filing an excessive assessment lawsuit in circuit court. A taxpayer thus must initiate the lawsuit prior to the issuance of the relevant tax bill.

8. The excessive assessment of the Subject Property has resulted in the imposition of excessive taxes in the amount to be determined after the issuance of the 2024 tax bill.

9. Plaintiff is timely filing this *de novo* refund action pursuant to Wis. Stat. § 74.37(3)(d). Plaintiff is entitled to a refund of the excessive 2024 property taxes that will be imposed for the Subject Property based on the 2024 assessment, plus statutory interest.

WHEREFORE, Plaintiff respectfully requests that this Court enter Judgment in its favor and against the City awarding Plaintiff:

- A. A refund of a portion of its 2024 property taxes as is supported by the evidence, together with statutory interest;
- B. Its costs, disbursements and attorneys' fees of this action; and
- C. Such other and further relief as this Court deems just and equitable.

Dated this 8th day of August, 2024.

FOLEY & LARDNER LLP

Electronically signed by Eric J. Hatchell

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Evan V. Bondoc (WI Bar No. 1123612)

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Attorneys for the Plaintiff