FILED
06-09-2026
Anna Maria Hodges
Clerk of Circuit Court
2026CV005460
Honorable Thomas J. McAdams-07
Branch 7

**STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY**

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**DKS REALTY WISCONSIN V, LLC,**
**AND**

**4 ROSS INVESTMENTS III, LLC,**
**AND**

**BOSE 4 INVESTMENTS, LLC,**
3101 E. ENTERPRISE AVE. – SUITE A
APPLETON, WI 54913

PLAINTIFFS,

CASE NO.
MONEY JUDGMENT: 30301
(OVER $10,000)

V.

**CITY OF WEST ALLIS**
7525 W. GREENFIELD AVENUE
WEST ALLIS, WISCONSIN 53214

DEFENDANT.

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## SUMMONS

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THE STATE OF WISCONSIN, to each person named above as a Defendant:

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

Within twenty (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 N. 9th St., Milwaukee, WI 53233, and to Plaintiffs' attorney, Ryan Simatic, von Briesen & Roper, s.c., whose address is 411 E. Wisconsin Avenue, Suite 1000, Milwaukee, WI 53202. You may have an attorney help or represent you.

If you do not provide a proper Answer within the twenty (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 9th Day of June, 2026.

**von BRIESEN & ROPER, s.c.**
Attorneys for the Plaintiffs

Electronically signed by:______
Ryan Simatic, SBN 1101608
411 E. Wisconsin Avenue
Milwaukee, WI 53202

P.O. ADDRESS:
411 E. Wisconsin Avenue, Suite 1000
Milwaukee, Wisconsin 53202
PH: 414-287-1365
E-mail: ryan.simatic@vonbriesen.com

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**COMPLAINT**

Plaintiffs (hereinafter collectively "DKS") by its undersigned counsel, von Briesen & Roper, s.c., for its Complaint against Defendant, City of West Allis (hereinafter, the "City"), alleges as follows:

**NATURE OF ACTION AND PARTIES**

1. This action is brought under Wis. Stat. § 74.37(3)(d) for a refund of excessive real estate property taxes to be imposed on DKS's real property by the City for assessment year 2026, plus statutory interest, if any, regarding parcels of real

property located at 2514 S. 102nd Street and 10150 National Avenue in the City (collectively, the "Property").

2. DKS Realty Wisconsin V, LLC ("DKS Realty"), is a domestic limited liability company, authorized to operate in Wisconsin, with its principal office at 3101 E. Enterprise Ave. – Suite A, Appleton, Wisconsin.

3. DKS Realty is an owner of the Property and is responsible for the payment of real estate property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this action in its own name.

4. 4 Ross Investments, LLC ("4 Ross"), is a domestic limited liability company, authorized to operate in Wisconsin, with its principal office at 3101 E. Enterprise Ave. – Suite A, Appleton, Wisconsin.

5. Bose 4 Investments, LLC ("Bose 4"), is a domestic limited liability company, authorized to operate in Wisconsin, with its principal office at 3101 E. Enterprise Ave. – Suite A, Appleton, Wisconsin.

6. 4 Ross and Bose 4 manage the Property for DKS Realty and other tenants in common.

7. The City is a body corporate and politic, organized as a municipal corporation under Wisconsin law, with its principal office located at 7525 W. Greenfield Avenue, West Allis, Wisconsin.

8. The Property is identified on the City's tax records as Parcel Numbers 485-9996-018 and 485-9996-019.

## JURISDICTION AND VENUE

9. This Court has personal jurisdiction over the City pursuant to Wis. Stat. § 801.05(1).

10. Venue is appropriate in Milwaukee County pursuant to Wis. Stat. § 801.50(2)(a).

## BACKGROUND FACTS

11. The 2026 mill rate is not yet known.

12. Both addresses and tax identification numbers for the Property are operated by the owners as a single economic unit.

13. For 2026, the City's Assessor set the assessment of the portion of the Property at 10150 W. National Avenue at $5,685,800, as of January 1, 2026.

14. For 2026, the City's Assessor set the assessment of the portion of the Property at 2514 S. 102nd Street at $4,684,600, as of January 1, 2026.

15. The City's total assessment of the Property is thus $10,370,400.

16. DKS Realty appealed the 2026 assessment of the Property by timely filing an objection with the City, pursuant to Wis. Stat. § 70.47, and otherwise complying with all requirements of Wis. Stat. § 70.47.

17. On May 22, 2026, City's Board of Review waived the hearing under Wis. Stat. § 70.47 (8m), and sustained the 2026 assessment for 10150 W. National Avenue at $5,685,800, and 2514 S. 102nd Street at $4,684,600 ("Waiver").

18. A copy of the Waiver is attached hereto and incorporated herein as **Exhibit A**.

19. Pursuant to Wis. Stat. § 70.47(8m), DKS Realty has timely commenced this action within sixty days of receipt of the notice of hearing waiver.

20. Based on the City's 2025 tax rate and 2026 assessment of the 10150 W. National Avenue Property herein described, the City will impose a property tax of $125,656.18 on the 10150 W. National Avenue Property. The exact proposed property tax for 2026 will not be known until the 2026 mill rate has been determined.

21. Based on the City's 2025 tax rate and 2026 assessment of the 2514 S. 102nd Street Property herein described, the City will impose a property tax of $103,529.66 on the 2514 S. 102nd Street Property. The exact proposed property tax for 2026 will not be known until the 2026 mill rate has been determined.

## CLAIM FOR RELIEF
## EXCESSIVE ASSESSMENT

### Wis. Stat. § 74.37(3)

22. The allegations of paragraphs 1-21 are incorporated as if fully realleged herein.

23. The value of the Property as of January 1, 2026 was no higher than $3,920,260, based on market data.

24. Based on the prior paragraph the assessment on the total Property is excessive by at least $6,450,140.

**WHEREFORE,** DKS Realty requests that the Court enter judgment as follows:

A. For an order directing the City to reduce DKS Realty's 2026 assessment to an amount equal to its market value multiplied by the 2026 assessment ratio and, if taxes are paid, for an appropriate refund.

B. For an award of all litigation costs incurred by DKS in this action, including the reasonable fees of its attorneys; and

C. For such other and further relief as the Court deems appropriate and just.

Dated at Milwaukee, Wisconsin this 9th day of June, 2026.

**VON BRIESEN & ROPER, s.c.**
Attorneys for Plaintiff

By: *Electronically signed by Ryan R. Simatic*
Ryan R. Simatic, SBN 1101608

P.O. ADDRESS:
411 E. Wisconsin Avenue, Suite 1000
Milwaukee, Wisconsin 53202
PH: 414-287-1365
E-mail: ryan.simatic@vonbriesen.com

EXHIBIT A

**City Clerk's Office**
clerk@westalliswi.gov
414.302.CITY

May 22, 2026

DKS Realty Wisconsin V, LLC
c/o Attorney Ryan Simatic
411 E. Wisconsin Ave. Suite 1000
Milwaukee, WI 53202

**RE: NOTICE OF DECISION**
**City of West Allis 2026 Board of Review Property Assessment Objection**

Dear DKS Realty Wisconsin V, LLC,

The City of West Allis Board of Review (BOR) met on Friday, May 22, 2026 and voted to waive your Objection to Real Property Assessment for the parcels below directly to circuit court pursuant to Wis. Stat. §§ 70.47(8m).

| Parcel / Tax Key Number | Property Address | January 1, 2026 Assessed Value |
|---|---|---|
| 485-9996-018 | 2514 S $102^{nd}$ St | $ 4,684,600 |
| 485-9996-019 | 10150 W. National Ave. | $ 5,685,800 |

As a result, a hearing will not be scheduled before the BOR for your objections. By operation of law and pursuant to Wis. Stat. §§ 70.47(8m), the assessed value remains as provided above. You have 60 days after receipt of this notice in which to commence an action under Wis. Stat. §§ 74.37(3)(d).

Respectfully,

Tracey Uttke

Tracey Uttke
City Clerk