

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**MILWAUKEE**

HILLSIDE PROPERTIES, LLC vs. CITY OF WEST ALLIS

**Electronic Filing  
Notice**

Case No. 2024CV006460

Class Code: Money Judgment

FILED

08-09-2024

Anna Maria Hodges

Clerk of Circuit Court

2024CV006460

Honorable Brittany C.

Grayson-16

Branch 16

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

*8-14-24  
11:30 AM  
[Signature]*

RECEIVED

AUG 14 2024

WEST ALLIS  
CITY ATTORNEY

Case number 2024CV006460 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 97b0f4**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

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 9, 2024

CITY OF WEST ALLIS  
14 AUG '24 AM 11:38

FILED  
08-09-2024  
Anna Maria Hodges  
Clerk of Circuit Court  
2024CV006460  
Honorable Brittany C.  
Grayson-16  
Branch 16

STATE OF WISCONSIN  
CIRCUIT COURT  
MILWAUKEE COUNTY

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HILLSIDE PROPERTIES, LLC,  
10211 W. Greenfield Avenue  
West Allis, Wisconsin 53214,

Plaintiff,

v.

Case No. \_\_\_\_\_  
Money Judgment - 30301

CITY OF WEST ALLIS  
7525 W. Greenfield Avenue  
West Allis, Wisconsin 53214,

Defendant.

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**SUMMONS**

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To each entity named above as 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 or electronically filed with the Court, whose address is 901 North 9th Street, Room 104, Milwaukee, Wisconsin 53233, and to plaintiff's attorneys, Reinhart Boerner Van Deuren s.c., whose address is 1000 N. Water Street, Suite 1700, Milwaukee, Wisconsin 53202. 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 9<sup>th</sup> day of August, 2024.

Reinhart Boerner Van Deuren s.c.  
1000 North Water Street  
Milwaukee, WI 53202  
Telephone: 414-298-1000  
Facsimile: 414-298-8097

Mailing Address:  
P.O. Box 2965  
Milwaukee, WI 53201-2965

**Electronically signed by Sara Stellpflug Rapkin**

Don M. Millis  
State Bar ID No. 1015755  
Sara Stellpflug Rapkin  
State Bar ID No. 1076539  
Shawn E. Lovell  
State Bar ID No. 1079801  
Olivia J. Brooks  
State Bar ID No. 1115787  
Attorneys for Plaintiff

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Defendant.

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**COMPLAINT**

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Plaintiff Hillside Properties, LLC (“Plaintiff”), by its undersigned counsel, Reinhart Boerner Van Deuren s.c., for its Complaint against the Defendant City of West Allis (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 taxes imposed on Plaintiff by the City for the 2024 tax year, plus statutory interest, with respect to a parcel of real property in the City (the “Property”).

2. Plaintiff 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 7525 W. Greenfield Avenue, in the City.

4. The Property is located at 10211 W. Greenfield Avenue, within the City, and is identified in the City's records as Tax Parcel No. 449-9996-005.

### **JURISDICTION AND VENUE**

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

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

### **BACKGROUND FACTS**

#### ***2024 Assessment - Background Facts***

7. The aggregate ratio of property assessed in the City as of January 1, 2024 has not been determined as of the date of filing.

8. For 2023, property tax was imposed on property in the City at the rate of \$28.332516 per \$1,000 of assessed value of property.

9. For 2024, the City's assessor set the assessment of the Property at \$5,776,500.

10. Plaintiff appealed the 2024 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).

11. Plaintiff appeared at the Board of Review but the City's Assessor requested that all objections for commercial property within the City be waived, including the Property. The Board of Review approved the City Assessor's request to waive the hearing for the Property.

12. By virtue of hearing waiver pursuant to Wis. Stat. § 70.47(8m) the Board of Review sustained the 2024 assessment on the merits without a hearing at \$5,766,500. A true and

correct copy of the 2024 Notice of Decision of Board of Review (BOR) Hearing is attached hereto as **Exhibit A** and is incorporated herein by reference.

13. Assuming the 2024 mill rate will be essentially the same as the 2023 mill rate, the City will impose tax on the Property in the approximate amount of \$163,663.

14. Plaintiff will timely pay the property taxes imposed by the City on the Property for 2024, or the required installment thereof.

### **CLAIM FOR RELIEF**

15. The allegations of paragraphs 1-14 are incorporated as if fully re-alleged herein.

#### ***2024 Assessment - Claim for Relief***

16. The fair market value of the Property as of January 1, 2024 was no higher than \$2,509,500.

17. Assuming an aggregate ratio of 100%, the correct assessment of the Property for 2024 is no higher than \$2,509,500.

18. Based on the 2023 tax rate of \$28.332516 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2024 should be no higher than \$71,100.

19. The 2024 assessment of the Property, as set by the City's Assessor, is excessive as it exceeds the market value of the Property. As a result, the property tax imposed on the Property for 2024 may be excessive in at least the amount of \$92,562.

20. The 2024 assessment of the Property, as set by the City's assessor, is also excessive as compared with other commercial property in the City. Upon information and belief, the City will take the position that the assessments of other commercial property in the City is at market value and, if true, then an over assessment of the Property constitutes a violation of Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result of

the assessment of the Property, the Property bears an unreasonably disproportionate share of taxes on an ad valorem basis.

21. Plaintiff is entitled to a refund of 2024 tax in the amount of at least \$92,562, or such greater amount as may be determined to be due to Plaintiff, plus statutory interest and costs.

WHEREFORE, Plaintiff respectfully requests the following relief:

A. A determination that the assessment of the Property for 2024 should be no higher than \$2,509,500;

B. A determination that the correct tax on the Property for 2024 should be no higher than \$71,100;

C. Judgment in the amount of \$92,562, or such greater amount as may be determined due to Plaintiff, plus statutory interest;

D. An award of all litigation costs incurred by Plaintiff in this action, including the reasonable fees of its attorneys; and

E. Such other and further relief as the Court deems appropriate and just.

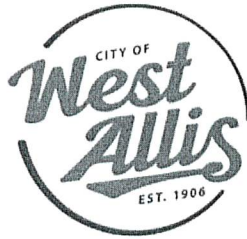
Dated this 9<sup>th</sup> day of August, 2024.

Reinhart Boerner Van Deuren s.c.  
1000 North Water Street  
Milwaukee, WI 53202  
Telephone: 414-298-1000  
Facsimile: 414-298-8097

Mailing Address:  
P.O. Box 2965  
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Olivia J. Brooks  
State Bar ID No. 1115787  
Attorneys for Plaintiff



Clerk's Office  
[clerk@westalliswi.gov](mailto:clerk@westalliswi.gov)

June 13, 2024

Hillside Properties LLC  
Attn: Alan J & Michael Nau  
10211 W Greenfield Ave  
West Allis, WI 53214

**RE: NOTICE OF DECISION**  
**City of West Allis 2024 Board of Review Property Assessment Objection**

Dear Hillside Properties LLC,

The City of West Allis Board of Review (BOR) convened for the 2024 Annual Board of Review and voted to waive your objection to the real property assessment to circuit court pursuant to Wis. Stat. § 70.47(8m). This statutory mechanism allows an appeal directly to Circuit Court for parcel:

		<b>JANUARY 1, 2024 ASSESSED</b>
<b>PARCEL NUMBER</b>	<b>PROPERTY ADDRESS</b>	<b>VALUE</b>
449-9996-005	10211 W Greenfield Ave	\$5,776,500

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 values remain as identified above. The taxpayer has 60 days from the notice of hearing waiver in which to commence an action under §70.47(8m).

If you have any further questions, please send an email to [clerk@westalliswi.gov](mailto:clerk@westalliswi.gov).

Respectfully,

A handwritten signature in cursive script that reads "Rebecca Grill".

Rebecca Grill  
City Administrator/Clerk

