

At a Special Term of the Supreme Court, Erie County,
held at 92 Franklin Street, Part 6, Buffalo, New York, on
the 5th day of March, 2007.

PRESENT: HON. JOSEPH R. GLOWNIA, J.S.C.
Presiding

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

LCO BUILDING, LLC
(F/K/A 189 VAN RENSSELAER)

Petitioner,

v.

BRUNA MICHAUX, ASSESSOR

AND

THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF
BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK

Respondents.

Petitioner, having served a Notice of Motion and Motion for Summary Judgment,
filed on November 16, 2006, and Respondents having opposed that relief, and the proceeding
having regularly come on to be determined at a Special Term of this Court, held at the Erie
County Courthouse, Buffalo, New York on March 5, 2007,

NOW, upon reading and filing the Notice of Motion and Motion dated November 16, 2006,
Respondents' Affidavits in opposition, sworn to February 27, 2007 and Petitioner's Reply Affidavit
sworn to on March 2, 2007, and after hearing Wolfgang & Weinmann (Peter Allen Weinmann, of
counsel), in support of the relief requested in the Motion, and City of Buffalo Corporation Counsel

FILED
ACTIONS & PROCEEDINGS

MAR 23 2007

ERIE COUNTY
CLERK'S OFFICE

ORDER

Index No.: 2989/05
2784/06

(Gregory A. Heeb, of counsel), in opposition to the requested relief, and after due deliberation, it is hereby

ORDERED that Petitioner's Motion for Summary Judgment on two separate grounds is granted; and it is further

ORDERED that the assessment for 726 Exchange Street (S.B.L. #122.26-2-11) for tax year 2006-2007 be set at \$18,000,000; and it is further

ORDERED that the assessment for 726 Exchange Street (S.B.L. #122.26-2-11) for tax year 2005-2006 be set at \$11,000,000; and it is further

ORDERED that the Finance Commissioner of the County of Erie and the Commissioner of the Department of Assessment and Taxation and the Buffalo Sewer Authority apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest to the Petitioner within 30 days, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, said corrected tax bills to be paid without interest or penalty if paid within 30 days of receipt of said corrected bills, and it is further

ORDERED that pursuant to Real Property Tax Law §722(1), costs and disbursements shall be awarded to the Petitioner, to be paid within 30 days of entry of this Order by Respondent Commissioner of Assessment and Taxation of the City of Buffalo as follows:

Disbursements:	Index No.: 2005-2006	\$210.00
	2006-2007	210.00
	RJI 2005-2006	95.00
	2006-2007	95.00
	Motion	45.00
	(CPLR §8201[3])	<u>200.00</u>

\$855.00, and it is further


ORDERED that this Court shall retain jurisdiction over this proceeding, and that all applications to enforce any or all of the terms of the Order shall be brought by motion before this Court.

ENTER:


HON. JOSEPH R. GLOWNIA, J.S.C.

GRANTED:

GRANTED

MAY 13 2007
BY 
ROBERT PAZIK
COURT CLERK

CERTIFICATION
The undersigned, an attorney at law, certifies that this copy of the foregoing, furnished to him, has been compared by him with the original and that said copy is a true and complete copy thereof.
