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At a Special Term of the Supreme Court, Niagara County,  
held at 175 Hawley Street, Lockport, New York, on the  
27 day of March, 2013.

PRESENT: HON. RICHARD C. KLOCH, SR., J.S.C.  
Presiding

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

ORIGINAL FILED

APR 09 2013

WAYNE F. JAGOW  
NIAGARA COUNTY CLERK

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

BY

NFR TURTLE, LLC

Petitioner,

v.

**ORDER**

ASSESSOR, CITY OF NIAGARA FALLS

Index No.: 144621  
147602

AND

THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF  
NIAGARA FALLS, COUNTY OF NIAGARA AND STATE OF NEW YORK,

Respondents.

FOR REVIEW OF THE 2011-2012 & 2012-2013 TAX ASSESSMENT OF CERTAIN  
REAL PROPERTY IN THE SAID CITY OF NIAGARA FALLS, NEW YORK

The above-entitled special proceedings involving real property tax certiorari for the premises owned by Petitioner in the City of Niagara Falls, New York, known as 25 Rainbow Mall in Niagara Falls, New York, S.B.L. # 158.12-1-20 for the tax years 2011-2012 and 2012-2013 having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been recommended by the Attorney for the City of Niagara Falls, and approved by the Niagara Falls City Council and the Attorney for Petitioner as it appears in the annexed Stipulation, entered into between the parties, and it further

appearing that the assessment of premises in the City of Niagara Falls provides the basis for the imposition of ad valorem taxes assessed by the County of Niagara, the City of Niagara Falls and the Niagara Falls City School District, and upon reading the attached Stipulation, it is hereby

**ORDERED** that the real property tax assessment for the tax year 2011-2012 for the premises at 25 Rainbow Mall, Niagara Falls be set at \$837,000 (\$900,000 full market value), and it is further

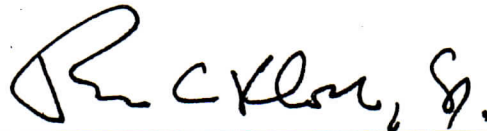
**ORDERED** that the real property tax assessment for the tax year 2012-2013 for the premises at 25 Rainbow Mall, Niagara Falls be set at \$828,000 (\$900,000 full market value), and it is further

**ORDERED** that the provisions of Section 727 of the Real Property Tax Law shall apply, and it is further

**ORDERED** that the Treasurers of Niagara County, the City of Niagara Falls, and the Niagara Falls City School District apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, LLP as attorneys and agents for Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court relative to their attorney's lien, pursuant to Judiciary Law Section 475, 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 45 days of receipt of said corrected bills, and it is further

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

ENTER:

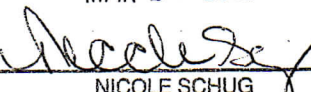


HON. RICHARD C. KLOCH, SR., J.S.C.

GRANTED:

**GRANTED**

MAR 27 2013

BY   
NICOLE SCHUG  
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 correct copy thereof.