

FILED
11-07-2024
Sheboygan County
Clerk of Circuit Court
2024CV000668
Honorable George A
Limbeck
Branch 5

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY

SCF RC FUNDING IV LLC,
a foreign limited liability company,
902 Carnegie Center Blvd., Suite 520
Princeton NJ 08540,

Plaintiff,

vs.

Case No. _____
Case Code: 30301

CITY OF SHEBOYGAN,
a municipal corporation,
City Hall
828 Center Avenue
Sheboygan, WI 53081,

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 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 Sheboygan County Clerk of Circuit Court, Sheboygan County Courthouse, 615 North 6th Street, Sheboygan, Wisconsin 53081, and to Rogahn Jones LLC, Plaintiff's attorney, whose address is Rogahn Jones LLC, N16

W23233 Stone Ridge Drive, Suite 270, Waukesha, Wisconsin, 53188. You may have an attorney help or represent you.

If you do not provide a proper answer within 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 7th day of November 2024.

ROGAHN JONES LLC
Attorneys for Plaintiff
Electronically signed by Terry J. Booth

/s/ Terry Booth

Terry J. Booth
State Bar No. 1014691
tbooth@rogahnjones.com

POST OFFICE ADDRESS:
Rogahn Jones LLC
N16W23233 Stone Ridge Dr., Suite 270
Waukesha, WI 53188
Telephone: 262.527.1163

FILED
11-07-2024
Sheboygan County
Clerk of Circuit Court
2024CV000668
Honorable George A
Limbeck
Branch 5

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY

SCF RC FUNDING IV LLC,
a foreign limited liability company,
902 Carnegie Center Blvd., Suite 520
Princeton, NJ 08540,

Plaintiff,

vs.

Case No. _____
Case Code: 30301

CITY OF SHEBOYGAN,
a municipal corporation,
City Hall
828 Center Avenue
Sheboygan, WI 53081,

Defendant.

COMPLAINT

SCF RC Funding IV, LLC (hereinafter referred to as Plaintiff), by its attorneys, Rogahn Jones LLC, for its complaint against the City of Sheboygan (hereinafter City), alleges as follows:

NATURE OF ACTION AND PARTIES

1. This action is brought pursuant to Wis. Stat. §70.47(12) and Wis. Stat. §74.37(3)(d), for the correction of the assessor's assessment and for a refund of excessive real estate taxes imposed on Plaintiff by the City for the year 2024, plus statutory interest, with respect to a parcel of real property in the City (hereinafter 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 City Hall, 828 Center Avenue, in the City of Sheboygan.

4. The Property is located at 595 S. Taylor Drive and 613 S. Taylor Drive within the City, and is identified in the City's records as Tax Parcel No. 59281215133.

JURISDICTION AND VENUE

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

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

BACKGROUND FACTS

7. The Department of Revenue determined that the average assessment to market value ratio of property in the City was 0.9729 as of January 1, 2023.

8. For 2023, property tax was imposed on property in the City at the rate of \$16.128525 per \$1,000.00 of the assessed value for property.

9. For 2024, the City's assessor set the assessment of the Property at \$12,444,100.00.

10. Plaintiff appealed the 2024 assessment of the Property by filing a timely objection with the City's Board of Review (hereinafter BOR) 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. The BOR waived the hearing of Plaintiff's objection pursuant to Wis. Stat. §70.47(8m).

12. The effect of the BOR's waiver is the disallowance of Plaintiff's claim of excessive assessment, and maintenance of the 2024 assessment of the Property, without a hearing, at \$12,444,100.00.

13. The City BOR's disallowance of Plaintiff's claim of excessive assessment entitles Plaintiff to appeal that disallowance to the circuit court through this action pursuant to Wis. Stat. §70.47(8m) and Wis. Stat. §74.37(3)(d).

CLAIM FOR RELIEF

14. The allegations of paragraphs 1-13 are incorporated as if fully re-alleged herein.

15. The fair market value of the Property as of January 1, 2024, was no higher than \$8,121,990.00.

16. Based on the average assessment to market value ratio of property in the City of 0.9729 as of January 1, 2023, the correct assessment of the Property for 2024 is no higher than \$7,901,884.07.

17. Based on the tax rate of \$16.128525 per \$1,000.00 of assessed value, the correct amount of property tax on the Property for 2024 should be no higher than \$127,445.69.

18. The 2024 assessment of the Property, as set by the City's Board of Review was excessive in at least the amount of \$4,542,215.93, and, upon information and belief, violated Article VIII, Section 1 (known as the "Uniformity Clause") of the Wisconsin Constitution.

19. As a result of the excessive assessment of the Property, Plaintiff will pay an excessive amount in property tax for 2024 on the Property.

20. Plaintiff is entitled to a correction of the 2024 assessment of the Property to not more than \$7,901,884.07, and a refund of taxes paid for 2024 in excess of the amount that would

be due based on a Property fair market value of \$8,121,990.00, plus statutory interest on that excessive amount.

WHEREFORE, Plaintiff respectfully requests the following relief:

1. A determination that the assessment of the Property for 2024 should be no higher than \$7,901,884.07;
2. A determination that the fair market value of the Property for 2024 should be no higher than \$8,121,990.00.
3. Judgment in the amount of the value of taxes paid for 2024 in excess of the amount that would be due based on a Property fair market value of \$8,121,990.00, plus statutory interest on that excessive amount.
4. An award of all litigation costs incurred by Plaintiff in this action, including the reasonable fees of its attorney; and
5. Such other and further relief as the Court deems appropriate and just.

Dated this 7th day of November 2024.

ROGAHN JONES LLC
Attorneys for Plaintiff
Electronically signed by Terry J. Booth

/s/ Terry Booth

Terry J. Booth
State Bar No. 1014691
tbooth@rogahnjones.com

POST OFFICE ADDRESS:
Rogahn Jones LLC
N16W23233 Stone Ridge Dr., Suite 270
Waukesha, WI 53188
Telephone: 262.527.1163