

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ROCKLAND

MIRANT NEW YORK, INC. and MIRANT LOVETT, LLC,

Petitioners,

vs.

**TOWN OF STONY POINT ASSESSOR, TOWN OF
STONY POINT BOARD OF ASSESSMENT REVIEW and
the TOWN OF STONY POINT, ROCKLAND COUNTY,
NEW YORK,**

Respondents.

**NORTH ROCKLAND CENTRAL SCHOOL DISTRICT
and COUNTY OF ROCKLAND,**

Intervenor-Respondents.

**RESETTLED
ORDER AND JUDGMENT**

Index Nos. 4357/00, 4696/01,
5122/02, 5279/03

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WESTCHESTER SUPREME
AND COUNTY COURTS

Petitioners Mirant New York, Inc. and Mirant Lovett LLC having commenced the above captioned proceedings; said proceedings having been brought pursuant to Article 7 of the Real Property Tax Law to review the real property tax assessments made by Respondent, Town of Stony Point, for each of the years 2000, 2001, 2002 and 2003 on real property owned by Petitioner in the Town of Stony Point, Rockland County, State of New York; said proceedings having been joined and tried before Justice Thomas A. Dickerson; Justice Dickerson having rendered a Decision and Order, dated August 28, 2006 (a copy of which is attached hereto as Exhibit "A," and incorporated as if fully set forth herein); said Decision and Order having directed the parties to submit an Order providing for the allocation of the reductions in value found by the Court to the various tax parcels at issue in each proceeding; the Court having considered all of the testimony, evidence and papers before it; the Court hereby sets forth its order of judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the assessments on

Petitioner's real property set forth on the relevant assessment rolls for the Town of Stony Point, County of Rockland, for the years 2000, 2001, 2002 and 2003, for each of the challenged tax identification numbers for each said year, shall be reduced and corrected as set forth in Exhibit B, attached hereto.

IT IS, FURTHER ORDERED, ADJUDGED AND DECREED, that Respondent Assessor(s) or other officers having custody of the proper books and records and/or of the assessment rolls of the Town of Stony Point for each of the years in question herein shall ~~forthwith~~ make the entries and changes necessary to correct the assessments on the relevant assessment rolls (as set forth as the "Court Ordered Assessed Value" in Exhibit B, attached hereto) for Petitioner's real property for each such assessment for each such assessment roll.


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IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Petitioners and Intervening Petitioners, Mirant Lovett, LLC and Mirant New York, Inc., shall recover from each of Respondent Town of Stony Point, County of Rockland, and all other taxing entities using each of the 2000, 2001, 2002 and 2003 final assessment rolls of the Town of Stony Point (including, but not limited to, the County of Rockland and all applicable school district(s) and special districts), the various excess tax principal amounts, if any, paid to such taxing entities for each respective year(s) or other levy period(s) for which each said assessment rolls for each of the years 2000, 2001, 2002 and 2003 was used, with interest as prescribed by Real Property Tax Law §726 (to accrue from the date of payment of said tax liabilities by Petitioner to the date of the payment of refund by the respective taxing entities); and said ~~money~~ ^{refunds}, including any additional interest accrued up to the date payment is made, shall be refunded to Petitioner no later than forty-five days following service of notice of entry of this ~~Respected~~ Order and Judgment. Said refunds, with interest, shall be made


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payable to Mirant Lovett, LLC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that to the extent the Court has issued a prior order and judgment, said order and judgment is superseded by this Order and Judgment.

This constitutes the ~~Resettled~~ Order and Judgment of the Court.


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ENTER,

Dated: September 18, 2006
White Plains, New York

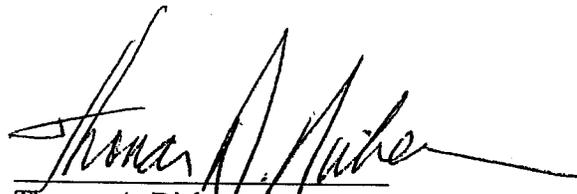

Thomas A. Dickerson
Supreme Court Justice

EXHIBIT A

Mirant New York, Inc. v. Town of Stony Point Assessor, 13 Misc.
3d 1204 (Rockland Sup. 2006).

EXHIBIT B

EXHIBIT B

2000 Final Assessment Rolls
Court Ordered Values and Reductions

Tax ID No.	Court Ordered Full Value	Court Ordered Assessed Value	Town's Assessed Value	Court Ordered Reduction
10.02-3-17 MH	134,190	30,099	50,725	20,626
10.04-2-10 HM	142,854	32,042	54,000	21,958
10.04-2-11 IF	14,457	3,243	5,465	2,222
10.04-2-12 IV	6,719	1,507	2,540	1,033
10.04-2-13 JR	74,601	16,733	28,200	11,467
10.04-2-14 KK	76,109	17,071	28,770	11,699
10.04-2-15 LD	103,437	23,201	39,100	15,899
10.04-2-16 LW	26,454	5,934	10,000	4,066
10.04-2-17 MP	17,989	4,035	6,800	2,765
10.04-2-18 NI	17,724	3,976	6,700	2,724
10.04-2-19 OB	1,322,719	296,686	500,000	203,314
10.04-2-2 IG	43,385	9,731	16,400	6,669
10.04-2-3 IZ	22,208	4,981	8,395	3,414
10.04-2-4 JS	61,903	13,885	23,400	9,515
10.04-2-5 KL	52,909	11,867	20,000	8,133
10.04-2-6 LE	4,418	991	1,670	679
10.04-2-8 MQ	42,327	9,494	16,000	6,506
10.04-2-9 NJ	29,100	6,527	11,000	4,473
10.04-2-7 LX	211,386,495	47,413,991	79,906,020	32,492,029
Totals	213,580,000	47,905,994	80,735,185	32,829,191

2001 Final Assessment Rolls
Court Ordered Values and Reductions

Tax ID No.	Court Ordered Full Value	Court Ordered Assessed Value	Town's Assessed Value	Court Ordered Reduction
10.02-3-17 MH	141,902	29,700	50,725	21,025
10.04-2-10 HM	151,063	31,618	54,000	22,382
10.04-2-11 IF	15,288	3,200	5,465	2,265
10.04-2-12 IV	7,106	1,487	2,540	1,053
10.04-2-13 JR	78,889	16,511	28,200	11,689
10.04-2-14 KK	80,483	16,845	28,770	11,925
10.04-2-15 LD	109,381	22,893	39,100	16,207
10.04-2-16 LW	27,975	5,855	10,000	4,145
10.04-2-17 MP	19,023	3,981	6,800	2,819
10.04-2-18 NI	18,743	3,923	6,700	2,777
10.04-2-19 OB	1,398,734	292,755	500,000	207,245
10.04-2-2 IG	45,878	9,602	16,400	6,798
10.04-2-3 IZ	23,485	4,915	8,395	3,480
10.04-2-4 JS	65,461	13,701	23,400	9,699
10.04-2-5 KL	55,949	11,710	20,000	8,290
10.04-2-6 LE	4,672	978	1,670	692
10.04-2-8 MQ	44,759	9,368	16,000	6,632
10.04-2-9 NJ	30,772	6,441	11,000	4,559
10.04-2-7 LX	223,534,460	46,785,763	79,906,020	33,120,257
Totals	225,854,022	47,271,247	80,735,185	33,463,938

2002 Final Assessment Rolls
Court Ordered Values and Reductions

Tax ID No.	Court Ordered Full Value	Court Ordered Assessed Value	Town's Assessed Value	Court Ordered Reduction
10.02-3-17 MH	146,998	28,459	50,725	22,266
10.04-2-10 HM	156,489	30,296	54,000	23,704
10.04-2-11 IF	15,837	3,066	5,465	2,399
10.04-2-12 IV	7,361	1,425	2,540	1,115
10.04-2-13 JR	81,722	15,821	28,200	12,379
10.04-2-14 KK	83,374	16,141	28,770	12,629
10.04-2-15 LD	113,309	21,937	39,100	17,163
10.04-2-16 LW	28,979	5,610	10,000	4,390
10.04-2-17 MP	19,706	3,815	6,800	2,985
10.04-2-18 NI	19,416	3,759	6,700	2,941
10.04-2-19 OB	1,448,971	280,521	500,000	219,479
10.04-2-2 IG	47,526	9,201	16,400	7,199
10.04-2-3 IZ	24,328	4,710	8,395	3,685
10.04-2-4 JS	67,812	13,128	23,400	10,272
10.04-2-5 KL	57,959	11,221	20,000	8,779
10.04-2-6 LE	4,840	937	1,670	733
10.04-2-8 MQ	46,367	8,977	16,000	7,023
10.04-2-9 NJ	31,877	6,171	11,000	4,829
10.04-2-7 LX	231,562,936	44,830,584	79,906,020	35,075,436
Totals	233,965,807	45,295,780	80,735,185	35,439,405

2003 Final Assessment Rolls
Court Ordered Values and Reductions

Tax ID No.	Court Ordered Full Value	Court Ordered Assessed Value	Town's Assessed Value	Court Ordered Reduction
10.02-3-17 MH	143,041	23,974	50,725	26,751
10.04-2-10 HM	152,277	25,522	54,000	28,478
10.04-2-11 IF	15,411	2,583	5,465	2,882
10.04-2-12 IV	7,163	1,200	2,540	1,339
10.04-2-13 JR	79,522	13,328	28,200	14,872
10.04-2-14 KK	81,130	13,597	28,770	15,173
10.04-2-15 LD	110,259	18,479	39,100	20,621
10.04-2-16 LW	28,199	4,726	10,000	5,274
10.04-2-17 MP	19,176	3,214	6,800	3,586
10.04-2-18 NI	18,894	3,167	6,700	3,533
10.04-2-19 OB	1,409,968	236,311	500,000	263,689
10.04-2-2 IG	46,247	7,751	16,400	8,649
10.04-2-3 IZ	23,673	3,968	8,395	4,427
10.04-2-4 JS	65,986	11,059	23,400	12,341
10.04-2-5 KL	56,399	9,452	20,000	10,548
10.04-2-6 LE	4,709	789	1,670	881
10.04-2-8 MQ	45,119	7,562	16,000	8,438
10.04-2-9 NJ	31,019	5,199	11,000	5,801
10.04-2-7 LX	225,329,798	37,765,274	79,906,020	42,140,746
Totals	227,667,990	38,157,155	80,735,185	42,578,030