

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

RS JZ 21 NE 39TH, LLC,

CASE NO. 2018-025776-CA (08)

Plaintiff,

vs.

COMPLAINT

PEDRO J. GARCIA, as Property Appraiser
of Miami-Dade County, Florida; MARCUS
SAIZ DE LA MORA, as Tax Collector of
Miami-Dade County, Florida; and LEON
M. BIEGALSKI, as Executive Director of
the State of Florida Department of Revenue

Defendants.

Plaintiff, RS JZ 21 NE 39th LLC (“Taxpayer”), sues Defendants, Pedro J. Garcia, as Property Appraiser of Miami-Dade County, Florida (“Property Appraiser”), Marcus Saiz de la Mora, as Tax Collector of Miami-Dade County, Florida (“Tax Collector”) and Leon M. Biegalski, as Executive Director of the Department of Revenue of the State of Florida (the “Department”) and says:

1. This is an action for statutory relief. This Court has jurisdiction pursuant to *Florida Statutes* §§ 194.036 and 194.171. Venue is proper in Miami-Dade County as the subject property, as described below, and the Property Appraiser are located in Miami-Dade County, Florida.
2. Taxpayer is a foreign limited liability company which is registered and conducts business in the State of Florida.
3. Property Appraiser is the duly elected Property Appraiser of Miami-Dade County, Florida. He is charged with the responsibility of discharging the duties of said office, and is named as a party in accordance with *Florida Statutes* § 194.181(2).

4. Tax Collector is the duly elected and acting Tax Collector for Miami-Dade County, Florida, and is obligated to discharge the duties of said office. Tax Collector is named as a party in accordance with Florida Statutes § 194.181(3).

5. Department is named as a defendant to this action as mandated by *Florida Statutes* § 194.181(5), because the tax assessments are also being contested on the grounds that they are contrary to the laws and Constitution of the State of Florida.

6. Taxpayer was the owner of real property and the party responsible under the law for payment of 2017 ad valorem taxes associated with the subject real property of this action located in Miami-Dade County Florida. Each subject parcel of property is assigned a separate folio number. All subject folios identified below are collectively referred to as the “Property”. Each folio, and the Property Appraiser’s preliminary market and assessed values assigned to each folio follow:

<u>Folio Number</u>	<u>Market Value</u>	<u>Assessed Value</u>
01-3124-027-0350	\$ 4,439,150	\$4,439,150
01-3124-027-0360	\$ 6,941,325	\$6,941,325
01-3124-027-0390	\$ 4,521,725	\$4,521,725
01-3124-027-0400	\$ 3,716,900	\$3,716,900
01-3124-027-0420	\$ 5,350,000	\$5,350,000
01-3124-027-0430	\$ 9,375,000	\$9,375,000
01-3124-029-0020	\$ 4,156,000	\$4,156,000
01-3124-029-0030	\$ 4,458,175	\$4,458,175
01-3124-029-0040	\$ 3,763,676	\$3,763,676
01-3124-029-0050	\$ 4,089,750	\$4,089,750
01-3124-029-0060	\$ 9,310,385	\$9,310,385
01-3124-029-0080	\$10,013,000	\$9,598,050
01-3124-029-0100	\$ 7,056,990	\$7,056,990
01-3124-029-0110	\$ 2,677,600	\$2,677,600

7. These assessments were in excess of the just value of the Property, in violation of *Florida Statutes*, including § 193.011, and in violation of Article VII, Section 4 of the Florida Constitution.

8. Property Appraiser recertified the 2017 assessments for each folio as follows:

<u>Folio Number</u>	<u>VAB Final Market Value</u>	<u>VAB Final Assessed Value</u>
01-3124-027-0350	\$3,739,150	\$3,739,150
01-3124-027-0360	\$5,891,325	\$5,891,325
01-3124-027-0390	\$3,821,725	\$3,821,725
01-3124-027-0400	\$2,810,000	\$2,810,000
01-3124-027-0420	\$4,580,000	\$4,580,000
01-3124-027-0430	\$7,860,600	\$7,860,600
01-3124-029-0020	\$3,136,000	\$3,136,000
01-3124-029-0030	\$3,518,175	\$3,518,175
01-3124-029-0040	\$2,823,676	\$2,823,676
01-3124-029-0050	\$3,149,750	\$3,149,750
01-3124-029-0060	\$7,430,385	\$7,430,385
01-3124-029-0080	\$8,133,000	\$8,133,000
01-3124-029-0100	\$5,892,990	\$5,892,990
01-3124-029-0110	\$1,874,320	\$1,874,320

9. These assessments are in excess of the just value of the Property, in violation of *Florida Statutes*, including § 193.011, and in violation of Article VII, Section 4 of the Florida Constitution.

10. Property Appraiser's assessments of the Property were arbitrarily based on appraisal practices which are not professionally accepted appraisal practices nor acceptable mass appraisal standards within Miami-Dade County.

11. Each assessment exceeds the Property's just value, and is therefore in violation of *Florida Statutes*, including § 193.011, and in violation of Article VII, Section 4 of the Florida Constitution. Taxpayer will be irreparably damaged if the Property Appraiser's assessments remain against the Property.

12. Taxpayer has complied with all conditions precedent to the maintenance of this lawsuit, and has timely brought this action.

13. Taxpayer has paid the taxes on the Property as required under *Fla. Stat.* § 194.171(3) and (4). Evidence of said payment is attached hereto and incorporated by reference as Exhibit "A".

WHEREFORE, Taxpayer demands judgment against the Defendants as follows:

- (i) Establishing the just value of the Property and directing such adjustments between the Parties as may be necessary in connection therewith or directing the Property Appraiser to reassess the Property for the 2017 tax year in compliance with Florida law;
- (ii) Recalculating the taxes that should have been paid based on an assessment equal to the Property's just value, and ordering a refund to the Taxpayer of the excess amounts paid;
- (iii) Awarding costs in favor of Taxpayer pursuant to *Fla. Stat. § 194.192*; and
- (iv) Granting such other and further relief as this Court deems just and proper.

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