

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

GENERAL JURISDICTION DIVISION

CASE NO. 2018-25789 CA (25)

OAK PLAZA ASSOCIATES (DEL) LLC,

Plaintiff,

vs.

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.

COMPLAINT

Plaintiff, Oak Plaza Associates (DEL) 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(2) 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 herein in accordance with *Florida Statutes §194.181(2)*.

4. Tax Collector is the duly appointed 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 assessment is also being contested on the grounds that it is 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 for the real property located in Miami-Dade County, Florida assessed by Property Appraiser under Folio Nos. 01-3124-046-0010, 01-3124-046-0020, 01-3124-046-0030, 01-3124-046-0040, 01-3124-046-0050 and 01-3124-046-0060 (collectively the "Property").

7. Property Appraiser certified the assessment of the Property for the year 2017 at the following values:

<u>Folio Number</u>	<u>Preliminary Market Value</u>	<u>Preliminary Assessed Value</u>
01-3124-046-0010	\$15,324,124	\$11,770,000
01-3124-046-0020	\$ 9,624,710	\$ 8,522,017
01-3124-046-0030	\$26,917,301	\$23,832,158
01-3124-046-0040	\$31,006,265	\$22,660,990
01-3124-046-0050	\$19,363,374	\$14,740,000
01-3124-046-0060	\$57,957,278	\$46,750,000

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 assessments of the Property for the year 2017 at the following values:

<u>Folio Number</u>	<u>Final Market Value</u>	<u>Final Assessed Value</u>
01-3124-046-0010	\$13,025,505	\$11,770,000
01-3124-046-0020	\$ 8,191,003	\$ 8,191,003
01-3124-046-0030	\$22,889,705	\$22,889,705
01-3124-046-0040	\$26,355,325	\$22,660,990
01-3124-046-0050	\$16,458,867	\$14,740,000
01-3124-046-0060	\$49,263,686	\$46,750,000

9. 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 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 by the Counter-Defendants 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, if any, paid;
- (iii) Awarding costs in favor of Taxpayer pursuant to *Florida Statutes §194.192*; and
- (iv) Granting such other and further relief as this Court deems just and proper.

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