

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION

BEN-MIL ASSOCIATES, a foreign corporation; 95 ORRPT, LLC, a Florida limited liability company; WR-I ASSOCIATES, LTD., a Florida limited partnership; RANDALL BENDERSON, RONALD BENDERSON and DAVID H. BALDAUF, as Trustees of the Benderson 85-1 Trust and the Benderson Family 1976 Trust,

Plaintiffs,

Case No.: 2019-CA-2041-NC

vs.

Division:

BILL FURST, as Property Appraiser;
BARBARA FORD COATES, as Tax Collector
and JIM ZINGALE as Executive Director
of the Florida Department of Revenue,

Defendants.

COMPLAINT

Plaintiffs, BEN-MIL ASSOCIATES, a foreign corporation, 95 ORRPT, LLC, a Florida limited liability company, WR-I ASSOCIATES, LTD., a Florida limited partnership; RANDALL BENDERSON, RONALD BENDERSON and DAVID H. BALDAUF, as Trustees of the Benderson 85-1 Trust and the Benderson Family 1976 Trust, sue Defendants, BILL FURST as Property Appraiser ("Appraiser"), BARBARA FORD COATES as Tax Collector ("Collector"), and JIM ZINGALE ("Zingale"), as the Executive Director of the Florida Department of Revenue, and allege:

1. This is an action to contest ad valorem tax assessments for the tax year 2018 and this Court has jurisdiction pursuant to Chapter 194, Florida Statutes, and article V, sections 5 and 20 of the Constitution of the State of Florida.

2. Plaintiffs are related business entities with common elements of ownership and business interests.

3. Appraiser is sued herein in his official capacity and is a necessary party to the action pursuant to section 194.181(2), Florida Statutes.

4. Collector is sued herein in her official capacity and is a necessary party to the action pursuant to section 194.181(3), Florida Statutes.

5. Defendant Zingale is sued in his official capacity as Executive Director of the Florida Department of Revenue and is a necessary party to this action pursuant to section 194.181(5), Florida Statutes.

6. Plaintiffs own certain real property located in Sarasota County, Florida, identified by Appraiser using Account Nos. **1002001003**, referred to hereinafter as the "Subject Property."

7. Appraiser estimated the Subject Property's just and assessed values for ad valorem purposes in the amount of **\$2,100,900**, hereinafter, the "assessment".

8. Plaintiffs have paid the taxes which have been assessed in full, pursuant to section 194.171(3)(4), Florida Statutes. A copy of the receipt is attached hereto as Plaintiffs' Exhibit "A."

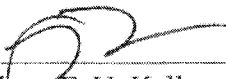
9. Plaintiffs have performed all conditions precedent which are required to be performed by Plaintiffs in establishing its right to bring this action. Specifically, this

action has been filed within the time period prescribed by section 194.171(2) Florida Statutes.

10. Appraiser failed to comply with section 193.011, Florida Statutes, and professional accepted appraisal practices in assessing the Subject Property.

11. The assessment does not represent the just value of the Subject Property as of the lien date because it exceeds the market value and therefore violate article VII, section 4 of the Florida Constitution.

WHEREFORE, Plaintiffs demand that this Court take jurisdiction over this cause and the parties hereto; enter an order setting aside the assessment on the Subject Property as excessive; establish the proper assessment for the Subject Property in accordance with the Constitution of the State of Florida and section 193.011, Florida Statutes; direct the Collector to cancel the tax bill and issue a new tax bill in said reassessed amounts; and finally, to award Plaintiffs their costs incurred in bringing this action pursuant to section 194.192, Florida Statutes, and award such other general relief as may be just and equitable.



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