

C&S, INC., now by change of name,  
TRANSTOR, INC. and ALLEGHENY  
LAND COMPANY,  
Appellant

v.

WARREN COUNTY BOARD OF  
ASSESSMENT APPEALS,  
Appellee

) IN THE COURT OF COMMON PLEAS OF  
) WARREN COUNTY, PENNSYLVANIA  
)  
) CIVIL ACTION-LAW  
)  
) No. 000668-2002  
)  
) TYPE OF PLEADING  
) Stipulation to Settle and Discontinue  
)  
) FILED ON BEHALF OF  
) C&S, Inc., now by change of name Transtor,  
) Inc. and Allegheny Land Company  
)  
) COUNSEL OF RECORD FOR PARTY:  
) John J. Mehler, Esquire  
) Pa. ID. No. 46669  
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**STIPULATION TO SETTLE AND DISCONTINUE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, Appellant, C&S, INC., now by change of name, TRANSTOR, INC. and ALLEGHENY LAND COMPANY, by and through its attorney, John J. Mehler, Esq. and Appellee, WARREN COUNTY BOARD OF ASSESSMENT APPEALS, by and through its attorney, Arthur Stewart, Esq., enter into the following Stipulation to Settle and Discontinue requesting that this Honorable Court enter the attached Order.

1. The Appellant, C&S, Inc., now by change of name, TRANSTOR, INC. and ALLEGHENY LAND COMPANY owns the property commonly known as 3000 West Pennsylvania Avenue West, Warren, Pennsylvania 16365, bearing Tax Identification Number WN-004-728900-000 (the "Property").

2. Appellant filed a timely appeal with respect to the Property at the above term and number.

3. For tax years 2003, 2004, 2005 and 2006, Appellant paid real estate taxes based upon its assessment of \$400,073. This assessment is based upon an "assessor's market value" of \$800,146, multiplied by the established predetermined ratio for Warren County which is 50%.

4. On behalf of the Appellant, Donald J. Marinelli, Jr., SRA of Marinelli Appraisal & Real Property Services valued the Property as of January 15, 2003 at \$880,500.

5. The parties have agreed to compromise their differences with respect to this action and agree as follows:

(a.) For the tax years at issue, the aggregate assessed value for the Property is to be based upon the market value of \$880,500, as determined by Donald J. Marinelli, SRA, multiplied by the applicable common level ratio for Warren County for tax years 2003, 2004, 2005 and 2006.

(b.) Accordingly, the total aggregate assessed value of the Property for tax years 2003, 2004, 2005 and 2006 (and all subsequent years unless and until adjusted in accordance with applicable law) are set forth below:

| <b>Tax Year</b> | <b>Aggregate Assessed Value</b> |
|-----------------|---------------------------------|
| 2003            | \$325,785                       |
| 2004            | \$324,024                       |
| 2005            | \$313,458                       |
| 2006            | \$300,250                       |

(c.) The Appellant agrees to waive its claim for interest on the overpayment of taxes for the tax years at issue (*i.e.* 2003, 2004, 2005 and 2006).

(d.) Both Appellant and Appellee agree to pay their respective costs (including all attorneys' fees) arising out of the real estate tax assessment appeal at the above term and number.

6. The parties agree that, as soon as financially feasible, but in no event later than ninety (90) days after the last of the three taxing authorities (County, City and School) approve the Stipulation to Settle and Discontinue, Appellant will receive a cash refund from the three

taxing authorities for the total overpayment of tax (County, City and School) for tax years 2003, 2004, 2005 and 2006 (which is calculated to be approximately \$24,000).

7. The parties agree that the Stipulation to Settle and Discontinue may be executed in two or more counterparts, each of which will be deemed an original, and all of which shall constitute one and the same Stipulation to Settle and Discontinue, and each signatory may sign a separate copy, such copies together constituting one and the same Stipulation to Settle and Discontinue.

WHEREFORE, the parties successfully request this Honorable Court to settle and discontinue this action by entering an appropriate Order in accordance with the terms set forth above.

Respectfully submitted,

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*Attorney for Appellant*

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### **ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of the Stipulation to Settle and Discontinue among the parties in the above-captioned matter, it is hereby ORDERED that the above-captioned matter is settled according to the terms set forth in the Stipulation to Settle and Discontinue, the terms of which are incorporated herein. It is further ORDERED that the assessed value of Tax Identification Number WN-004-728900-000 for tax years 2003, 2004, 2005 and 2006 (and all subsequent years unless and until adjusted in accordance with applicable law) are as follows:

| <b>Tax Year</b> | <b>Aggregate Assessed Value</b> |
|-----------------|---------------------------------|
| 2003            | \$325,785                       |
| 2004            | \$324,024                       |
| 2005            | \$313,458                       |
| 2006            | \$300,250                       |

Appellant hereby waives any claim for interest on the overpayment of taxes for the tax years at issue (*i.e.* 2003, 2004, 2005 and 2006). It is further ORDERED that the respective taxing authorities (County, City and School) will pay, as soon as financially feasible, but in no event later than ninety (90) days of the last taxing authority to approve the Stipulation to Settle and Discontinue, to Appellant a cash refund of the total overpayment of tax for tax years 2003, 2004, 2005 and 2006 (which is calculated to be approximately \$24,000). As soon as practicable, but in no event later than December 31, 2006, the taxing districts shall approve the Stipulation to Settle and Discontinue and notify the Assessment Office to change its records accordingly, and to generate the requisite credit memorandum so that a cash refund may be made to the Appellant within the time period set forth herein. It is further ORDERED that the refund of the overpayment of taxes for tax years 2003, 2004, 2005 and 2006 shall be payable to Allegheny Land Company, c/o Lynn J. Johanson, 3000 Pennsylvania Avenue West, Warren, Pennsylvania 16365.

BY THE COURT:

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Honorable Maureen A. Skerda