

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
WARREN COUNTY BRANCH**

WHIRLEY INDUSTRIES, INC.,

Appellant

v.

WARREN COUNTY BOARD OF
ASSESSMENT APPEALS,

Appellee

v.

WARREN COUNTY,

Intervenor

) Docket No. 2019-00591

)

)

) **NOTICE OF SETTLEMENT**

)

)

) Filed on behalf of:

) Warren County

)

)

) Counsel of record for this party:

) Michael Musone, Esq.

) 120 West Tenth Street

) Erie, Pennsylvania 16501

) (814) 459-2800

) Fax (814) 453-4530

) mmusone@kmgslaw.com

WHIRLEY INDUSTRIES, INC.,	)	IN THE COURT OF COMMON PLEAS OF
	)	THE 37TH JUDICIAL DISTRICT OF
Appellant	)	PENNSYLVANIA
)	
v.	)	WARREN COUNTY – CIVIL
)	
WARREN COUNTY BOARD OF)	
ASSESSMENT APPEALS,	)	Docket No. 2019-00591
)	
Appellee)	
)	
v.)	
)	
WARREN COUNTY,)	
)	
Intervenor)	

NOTICE OF SETTLEMENT

AND NOW, come the Parties, by and through their respective counsel, and file the following Notice of Settlement:

1. This appeal involves the assessment of property located at or around 618 Fourth Avenue, City of Warren, Warren County, PA, at the following Parcel ID Numbers as recorded in the Registry of Deeds Office of Warren County (the “Property”):

WN-575-445900-000	WN-574-684000-000
WN-575-452800-000	WN-574-668300-000
WN-575-448100-000	WN-575-458000-000
WN-575-455500-000	WN-575-458100-000

2. After consultation, Whirley Industries, Inc. (“Whirley”) and the Taxing Authorities have agreed upon a settlement and have agreed that the Fair Market Value and Assessed Value of the Property should be set as follows:

Fair Market Value	Assessed Level Ratio	Assessed Value
\$1,570,000	28.9%	\$453,730

3. Whirley Industries, Inc., the Warren County Board of Assessment Appeals, County of Warren, Warren County School District and City of Warren have agreed to this Stipulation. Copies of the Taxing Authorities' approvals are attached hereto at group Exhibit A.

WHEREFORE, the Parties respectfully request this Honorable Court approve the above-referred to agreement of Settlement by Stipulation.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

DUANE MORRIS, LLP

BY: _____
Michael J. Musone, Esq.
120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

Attorneys for Intervenor,
Warren County

BY: _____
Gerald J. Schirato, Jr.
600 Grant Street, Suite 5010
Pittsburgh, PA 15219
(412) 497-1028

Attorneys for Appellant,
Whirley Industries, Inc.

WHIRLEY INDUSTRIES, INC.,	)	IN THE COURT OF COMMON PLEAS OF
	)	THE 37TH JUDICIAL DISTRICT OF
Appellant	)	PENNSYLVANIA
)	
v.	)	WARREN COUNTY – CIVIL
)	
WARREN COUNTY BOARD OF)	
ASSESSMENT APPEALS,	)	Docket No. 2019-00591
)	
Appellee)	
)	
v.)	
)	
WARREN COUNTY,)	
)	
Intervenor)	

ORDER

AND NOW, on this _____ day of _____, 2020, upon review and consideration of the Notice of Settlement, the parties have agreed to settle the tax assessment appeal involving the following Tax Parcel Numbers (together, referred to as the “Property”):

WN-575-445900-000	WN-574-684000-000
WN-575-452800-000	WN-574-668300-000
WN-575-448100-000	WN-575-458000-000
WN-575-455500-000	WN-575-458100-000

As reflected in the parties’ settlement, it is DIRECTED that the Assessment Office of Warren County establish the fair market value of the Property the year 2020 in the amount of \$1,570,000 million, which equates to an assessed value as follows:

Fair Market Value	Assessed Level Ratio	Assessed Value
\$1,570,000	28.9%	\$453,730

The Assessed Value shall be applicable for the year 2020 and continue for subsequent years until adjusted by the Assessment Office of Warren County in the normal course of business and as provided by law. The taxing districts shall issue refunds for the year 2020, if any, reflecting the new assessment. The Assessment Office of Warren County is directed to apportion the total assessed value of the Property in this Order over as is fair and equitable.

BY THE COURT:

J.

WHIRLEY INDUSTRIES, INC.,	)	IN THE COURT OF COMMON PLEAS OF
	)	THE 37TH JUDICIAL DISTRICT OF
Appellant	)	PENNSYLVANIA
)	
v.	)	WARREN COUNTY – CIVIL
)	
WARREN COUNTY BOARD OF)	
ASSESSMENT APPEALS,	)	Docket No. 2019-00591
)	
Appellee)	
)	
v.)	
)	
WARREN COUNTY,)	
)	
Intervenor)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ____ day of _____, 2020, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

Gerald J. Schirato, Jr., Esquire
Duane Morris Firm and Affiliate Offices
600 Grant Street, Suite 5010
Pittsburgh, Pennsylvania 15219

Warren County School District
6820 Market Street
Russell, Pennsylvania 16345

City of Warren
318 West Third Avenue
Warren, Pennsylvania 16365

Warren County Board of Assessment Appeals
204 Fourth Avenue
Warren, Pennsylvania 16365

Michael J. Musone

WHIRLEY INDUSTRIES, INC.,

Appellant

v.

WARREN COUNTY BOARD OF
ASSESSMENT APPEALS,

Appellee

v.

WARREN COUNTY,

Intervenor

) IN THE COURT OF COMMON PLEAS OF
) THE 37TH JUDICIAL DISTRICT OF
) PENNSYLVANIA

)

) WARREN COUNTY – CIVIL

)

)

) Docket No. 2019-00591

)

)

)

)

)

)

)

)

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Michael J. Musone