

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

LOWES HOME CENTERS, INC.,) Docket No. 2023-477
)
Appellant)
) Stipulation to Settle and Discontinue Assessment
v.) Appeal
)
WARREN COUNTY BOARD OF)
ASSESSMENT APPEALS,)
) Filed on behalf of:
Appellee) Warren County and Warren County School
) District
)
WARREN COUNTY and WARREN)
COUNTY SCHOOL DISTRICT,)
) Counsel of record for this party:
Intervenors) Michael Musone, Esq.
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LOWES HOME CENTERS, 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. 2023-477
)	
Appellee)	
)	
WARREN COUNTY and WARREN)	
COUNTY SCHOOL DISTRICT,)	
)	
Intervenors)	
)	

STIPULATION TO SETTLE AND DISCONTINUE ASSESSMENT APPEAL

Lowes Home Centers, Inc., Warren County Board of Assessment Appeals, Warren County and Warren County School District, through their respective counsel, enter into this Stipulation to Settle and Discontinue Assessment Appeal, stating as follows:

1. Lowes Home Centers, Inc. (“Lowes”) owns real property located in Warren County identified as 2625 Market St., Warren County, PA, and Warren County Parcel No. WN-545-255000-000 (the “Property”).
2. In 2023, Lowes filed a tax appeal regarding the Property’s assessed value to the Warren County Board of Assessment Appeals (the “Board”). Following the Board’s decisions, Lowes appealed the Board’s decisions to this Court.
3. The parties have reached a settlement on the Property’s assessed value for all tax years at issue, which is the 2024 tax year.

4. As a result of the parties' settlement, the Property shall be assessed for the indicated tax years as follows:

Tax Year	Fair Market Value	Assessed Value (17% CLR)
2024	\$3,500,000	\$595,000

5. The total assessed value on the Property shall be implemented by the Warren County Assessment Office promptly after the entry of the order approving this settlement, in good faith, giving full effect to all of the provisions of this Stipulation, and in accordance with generally accepted appraisal and assessment standards, techniques, and methods.

6. To the extent Lowes overpaid taxes based on the new assessed values, the taxing districts shall issue credits toward future taxes as a result of these overpayments.

7. The total aggregate assessed value on the Property shall remain at those values established in paragraph 4 above unless and until changed in the normal course of business and as provided by law (e.g., addition, demolition, subdivision, countywide reassessment, etc.).

8. The parties acknowledge that when the County has performed or will perform a countywide reassessment, or otherwise changes any assessment on the Property, the revaluation of the Property has been and will be done in good faith, and has been and will be conducted using generally accepted appraisal and assessment standards, techniques and methodologies. The Property shall be valued and assessed using the same standards, techniques, and methodologies as similar properties, and without regard to the terms of this Settlement Agreement.

9. The parties agree that this Stipulation to Settle and Discontinue may be executed in one or more counterparts for the convenience of the parties, and each of such counterparts will

be deemed to be an original, such copies taken together constituting one and the same stipulation to Settle and Discontinue.

10. The Assessment Office and the taxing districts shall also be bound by the terms of this Stipulation and Settlement Agreement and the Order contemplated hereby.

WHEREFORE, the parties, through counsel, respectfully request that this Honorable Court enter an Order consistent with the provisions of this Stipulation to Settle and Discontinue set forth above.

Respectfully submitted,

McCARTER & ENGLISH, LLP

THE SCHMIDT LAW FIRM

BY: _____

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Lowes Home Centers, Inc.

BY: _____

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Attorney for Appellee,
Warren County Board of Assessment
Appeals

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: _____

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Attorney for Intervenors,
Warren County and Warren County
School District

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)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the ____ day of June, 2024, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

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Michael J. Musone

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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

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ORDER

AND NOW, this ____ day of _____ 2024, upon consideration of the Stipulation to Settle and Discontinue Assessment Appeal filed by the parties, the same is hereby accepted and approved. The settlement contemplated in said Stipulation is hereby approved and incorporated herein by this reference, and the assessment of the subject property, identified as 2625 Market St., Warren County, PA, and Warren County Parcel No. WN-545-255000-000 (the “Property”), shall be as follows:

Tax Year	Fair Market Value	Assessed Value (17% CLR)
2024	\$3,500,000	\$595,000

IT IS FURTHER ORDERED that the Warren County Assessment Office shall promptly change its records accordingly and issue the appropriate directives to the Appellant and the affected taxing districts implementing the above-values for the Property.

BY THE COURT:

_____. J.