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Judith M. Hartig-Osanka
(1938-2011)

February 7, 2014

RECEIVED

FEB 10 2014

Ms. Janice Johnson-Martin, City Clerk
Racine City Hall
730 Washington Avenue
Racine, Wisconsin 53403

CITY ATTORNEY

RE: Claim for Excessive Assessment Filed by Sears Holdings Corporation for 2013 Real Estate Taxes

Dear Ms. Johnson-Martin:

As the legal counsel for the City of Racine Board of Review, you have forwarded to our office for further processing the enclosed "Claim for Excessive Assessment", that has been filed with the City of Racine regarding the real estate taxes payable by Sears Holdings Corporation for its parcel of real property located at 5600 Durand Avenue, Racine, Wisconsin.

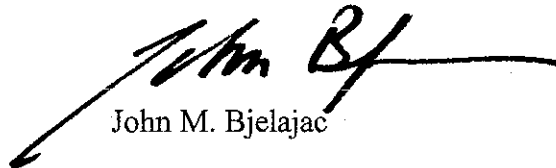
Based on information that we received from the City Assessor, the assessed valuation of the property in question is correct and accurate. We accordingly recommend that the City of Racine Common Council take steps to formally deny this claim. When and if the Common Council does take those steps, your office should then send a written notice (by certified mail) to the property owner advising it of the denial, pursuant to the provisions of Section 74.37(3)(d) of the Wisconsin Statutes.

Should any representative of the City have any questions regarding this request, please feel free to contact our office.

Thank you very much.

Very truly yours,

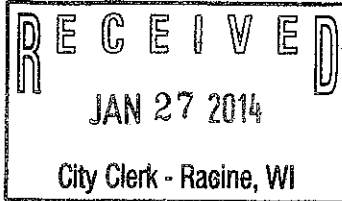
HANKEL, BJELAJAC & KALLENBACH



John M. Bjelajac

JMB/bj

cc: Atty. Robert K. Weber
City Assessor's Office



January 21, 2014

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Janice M. Johnson-Martin
Clerk/Treasurer
City of Racine
City Hall - Room 103
730 Washington Avenue
Racine, WI 53403

Dear Clerk:

Re: Tax Parcel No. 23876014

Now comes Claimant, Sears Holdings Corporation, tenant of parcel 23876014 (the "Property") in Racine, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Racine (the "City"), pursuant to Wis. Stat. §74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2013, plus statutory interest, with respect to the Property.
2. Claimant is the tenant on the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.
3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 730 Washington Ave. in the City.
4. The Property is located at 5600 Durand Ave. within the City, and is identified in the City records as Tax Parcel No. 23876014.

5. For 2013, property in the City was assessed at 103.57% of its fair market value as of January 1, 2013.

6. For 2013, property tax was imposed on property in the City at the rate of \$29.1264 per \$1,000 for of the assessed value for Property.

7. For 2013, the City's assessor set the assessment of the Property at \$8,749,000.

8. Claimant appealed the 2013 assessment of the Property by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).

9. The City's Board of Review heard the Claimant's objection and sustained the assessment on the merits at \$8,749,000.

10. The City imposed tax on the Property in the amount of \$254,827.

11. Claimant timely paid the property taxes imposed by the City on the Property for 2013, or the required installment thereof.

12. The fair market value of the Property as of January 1, 2013 was no higher than \$5,500,000.

13. Based on the assessment ratio of 103.57%, the correct assessment of the Property for 2013 is no higher than \$5,696,350.

14. Based on the tax rate of \$29.1264 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2013 should be no higher than \$165,914.

15. The 2013 assessment of the Property, as set by the City's Board of Review was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2013 was excessive in at least the amount of \$88,913.

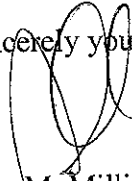
16. Claimant is entitled to a refund of 2013 tax in the amount of \$88,913, or such greater amount as may be determined to be due to Claimant, plus statutory interest.

17. The amount of this claim is \$88,913, plus interest thereon.

Janice M. Johnson-Martin, Clerk
January 21, 2014
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Dated at Madison, Wisconsin, this 21st day of January, 2014.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Don M. Millis". The signature is stylized with several loops and a long horizontal stroke at the end.

Don M. Millis
Agent for Claimant

11266637