

D-1-GN-22-004722

CAUSE NO. _____

SHR FS AUSTIN, LLC (Four Seasons),	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
V.	§	TRAVIS COUNTY, TEXAS
	§	
TRAVIS CENTRAL APPRAISAL DISTRICT,	§	459TH, DISTRICT COURT
	§	
Defendant.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW SHR FS AUSTIN, LLC (Four Seasons) (“Plaintiff”), Plaintiff in the above-entitled and numbered cause, and complains of the Travis Central Appraisal District (“Appraisal District”), Defendant in the above-entitled and numbered cause, and for cause of action would respectfully show unto this Court as follows:

I.

Plaintiff alleges that discovery is intended to be conducted in accordance with Texas Rule of Civil Procedure 190, Level 2. Plaintiff is seeking monetary relief of \$250,000 or less (attorneys’ fees) and non-monetary relief (correction of the appraisal roll as it pertains to Plaintiff’s property).

II.

Plaintiff is an entity owning certain real property and improvements in Travis County, Texas. The Appraisal District is a political subdivision of the State of Texas and may be served with process by serving its *Chief Appraiser, Ms. Marya Crigler*, or any officer or employee of the Appraisal District present at the appraisal office at a time when it is open for business with the public. The appraisal office is located at *850 East Anderson Lane, Austin TX 78752*.

III.

The Court has subject matter jurisdiction to hear this suit pursuant to Texas Property Tax Code § 42.01 et seq. Plaintiff has exhausted all available administrative remedies prior to bringing this appeal. All conditions precedent to the Court's acquisition and maintenance of jurisdiction over this appeal have been done or have occurred.

IV.

Venue for this cause has been properly laid in Travis County, Texas pursuant to Texas Property Tax Code § 42.22 because the order being appealed was issued by the Appraisal Review Board ("Review Board") located in Travis County, Texas.

V.

At all times relevant to this cause of action, Plaintiff was and is the owner of certain real property and improvements (the "Property") known as the Four Seasons located in Austin, Travis County, Texas. The Property is represented by certain Appraisal District Account Numbers, to include without limitation, the account number set forth below:

Property ID / Geographic ID	Address
192836 / 0205020813	98 San Jacinto Boulevard

VI.

In or around May, 2022, Plaintiff learned that the Appraisal District had made an appraisal of the 2022 market value of the Property for use by the relevant Taxing Units in Travis County, Texas in assessing 2022 ad valorem property taxes. The Appraisal District appraised the value of the Property at \$157,880,000, an amount in excess of the appraised value required by law.

VII.

Pursuant to Texas Property Tax Code § 41.41 et seq, Plaintiff filed a timely protest of the appraisal decision to the Review Board.

VIII.

Thereafter, Plaintiff appeared before and presented evidence to the Review Board to protest the appraised value placed on the Property by the Appraisal District. Plaintiff's evidence demonstrated that the appraised value of the Property required by law was substantially less than the value placed upon it by Defendant. The Review Board lowered the appraised value of the Property to \$154,370,000, an amount in excess of the appraised value required by law.

IX.

Plaintiff alleges that the value placed on the Property is unequal compared to a sample of properties consisting of a reasonable number of other properties similarly situated to, or of the same general kind or character as the Property subject to this appeal. Plaintiff further alleges that the Property is appraised unequally because the appraised value of the Property exceeds the median appraised value of a reasonable number of comparable properties appropriately adjusted.

X.

Plaintiff alleges that the levying of a tax on the Property based on a higher than fair market valuation is an unlawful levy, creates an illegal lien on the Property and is a cloud on Plaintiff's title. Furthermore, Plaintiff may be compelled to pay property taxes based on an erroneous valuation unless the Court intervenes to prevent such injustice.

XI.

Plaintiff requests that the Court award it reasonable and necessary attorneys' fees for the

prosecution of this appeal and any subsequent appeal from this Court's judgment to the Court of Appeals and/or the Texas Supreme Court.

XII.

Pursuant to Texas Tax Code Section 42.08(b-1), Plaintiff states that at this time it does not intend to pay the amount of taxes described in Section 42.08(b)(1). Should a decision be made later to pay pursuant to Subsection (b)(1), an amended pleading will be filed.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear herein and that:

1. An order be entered by the Court cancelling and setting aside the decisions of the Review Board;
2. An order be entered fixing, in accordance with the law, the proper appraised value of the Property as required by law;
3. An order be issued compelling the Appraisal District to correct the 2022 appraisal roll to show the proper appraised value of the Property;
4. The Court enter such other orders as are necessary to preserve the rights protected by and impose duties required by law;
5. Plaintiff recover its reasonable attorneys' fees;
6. Plaintiff recover all costs of court in this cause expended or incurred; and
7. Plaintiff have such other and further relief, general or special, legal or equitable, which Plaintiff may be justly entitled to receive.

Respectfully submitted,

/s/ Carolyn Chinn Maly

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Lauren Williams on behalf of Carolyn Maly

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Envelope ID: 68399206

Status as of 9/22/2022 9:37 AM CST

Associated Case Party: SHR FS AUSTIN, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Carolyn C.Maly		cmaly@gpd.com	9/19/2022 3:50:17 PM	SENT