

To: Michelle Luedtke, Village of Elm Grove Clerk
From: Allan Land / Jeff Thornton, Assessor's Office
Date: January 15, 2021

Subject: Real Estate Parcel: EGV-1099-020, Address: 15025 Cascade Drive.

The owner of this parcel appeared at the 2020 Open Book. The property has a transfer of ownership that took place 06-17-2020.

The new owner argued that the property was in fair market sale. The owner stated the sale of the subject is the best testimony of value for his property.

The courts have stated this as well.

When market value is established by a fair sale of the property or sales of reasonably comparable property are available, it is error for an assessor to resort to other factors to determine fair market value, although such factors in the absence of such sales would have a bearing on market value. Rules on judicial review of valuation presuppose that the method of evaluation is in accordance with the statutes; hence errors of law should be corrected by the court on certiorari and the failure to make an assessment on the statutory basis is an error of law. State ex rel. Markarian v. Cudahy, 45 Wis. 2d 683, 173 N.W.2d 627 (1970).

70.32(1)

(1) Real property *shall* be valued by the assessor in the manner specified in the Wisconsin property assessment manual provided under s. 73.03 (2a) from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefor at private sale. In determining the value, the assessor *shall consider recent arm's-length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm's-length sales of reasonably comparable property; recent arm's-length sales of reasonably comparable property*; and all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed.

Jeff Thornton looked at the sale and similar properties that have sold then determined that the 15025 Cascade Drive sale was in line of other similar property sales. The assessment was reduced to \$639,000 from the original assessment of \$690,900.

Documenting the assessment reduction, a change in valuation form was prepared and a copy provided to the new owner. However, inadvertently, the change in value was not entered into the 2020 assessment roll. Therefore, a correction in the value is necessary due to the palpable error.

Wisconsin Statute 74.33 provides for correction of errors of this nature. The governing body may refund or rescind in whole or in part any general property tax shown in the tax roll, including agreed-upon interest if certain conditions are met.

At this point, the village board, by resolution, should cancel the tax on the \$51,900 error in assessed value. (\$690,900 original assessment minus the \$639,000 correct value) The statutory reference for palpable error correction is under the provisions of WI Statute 74.33(1)(f) - "*An arithmetic, transpositional or similar error has occurred.*"

If the board passes the resolution, the treasurer's office should be notified by the clerk as to correct their records. A notice of correction can be prepared for the property owner at that time if necessary. If the property owner has already paid the tax, a refund should be provided.

NOTICE OF AMENDED ASSESSMENT AT OPEN BOOK AND WAIVER OF AMENDED ASSESSMENT NOTIFICATION

Municipality: Village of Elm Grove
 County: Waukesha
 Assessment Year: 2020

Alex Schwab
 Kelley Schwab
 15025 Cascade Dr
 Elm Grove, WI

53122-1506

Owner's Copy

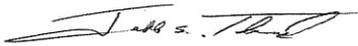
I _____ (Allan Land) _____ hereby amend the assessment regarding
(Name of Property Assessor)

Tax Key number: 1099020

Property Address: **15025 Cascade Dr**

for the above assessment year as follows:

Initial 2020 Assessment		Amended 2020 Assessment	
Land	226,100	Land	\$226,100
Improvements	464,800	Improvements	\$412,900
Total	690,900	Total	\$639,000



 Assessor's Office (Signed)

8/24/2020

 Date:

This property: is not subject to a Conversion Charge under sec. 74.485, Wis. Stats.

WAIVER

I Kelley Schwab _____ forfeit and waive the further right
(Name of Property Owner)

to receive notification of this changed assessment 30 days before the Board of Review.
 I understand I may still proceed with an appeal to the Board of Review, following the requirements provided under sec. 70.47, Wis. Stats. I understand that more detailed assessment objection procedures can be found in the Property Assessment Appeal Guide or on the back of the initial Notice of Assessment (PR-301A).



 Property Owner/Agent (signed)

8/25/2020

 Date

Copies to : Property Owner/Agent