

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

2008 BOARD OF REVIEW

Wednesday, September 24, 2008

Board of Review Chairman Steve Beers called the 2008 Board of Review to order at 2:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Board of Review Members present: Roll call vote: Steve Beers, Pat Kenny, Tom Whowell, Rick Pappas, President Ron Pollitt

Also present: Assessor James Danielson, Village Clerk Dennis Martin, Village Attorney Elizabeth Olson

General Business

Discuss Procedures

The Board of Review decided to hold the hearings for the scheduled objections and to deliberate on the objections at the end of the day or during breaks in the schedule of hearings.

Receive Assessment Roll and Assessor's Affidavit

Danielson presented the Assessment Roll, and the Affidavit was signed by Martin and Danielson.

Late Notice of Intent Forms

Martin stated that Notices of Intent to File Objection forms were filed after the 48-hour deadline under the "for good cause" section of the form by Robert Allen (SCTJ 00019), Maj Fischer for the Estate of Inger Fischer (SCO3 00056), Robert Chanson (SBV 00027), Kirk A. Christensen (SCO3 00019), Ralph Tellefsen, III for Patricia A. Rosasco (SARC 00039), John C. Tobin (SCO2 00136), and Nora Doherty for James M. Crowley (SCDB 00007). The Board members were in consensus that the property owners all had "good cause" for missing the 48-hour deadline. Martin stated that an additional hearing date has to be scheduled and some of the petitioners have requested that their hearings be conducted on a Saturday if possible. The Board directed Martin to schedule more hearings for the Tuesday, September 30, 2008 and Tuesday, October 7, 2008 dates and to schedule another hearing date on Saturday morning, October 18, 2008.

Whowell/President Pollitt 2nd made a MOTION to accept the late filed Notices of Intent to File Objection forms and to direct Martin to schedule hearings before the Board of Review for Robert Allen (SCTJ 00019), Maj Fischer for the Estate of Inger Fischer (SCO3 00056), Robert Chanson (SBV 00027), Kirk A. Christensen (SCO3 00019), Ralph Tellefsen, III for Patricia A. Rosasco (SARC 00039), John C. Tobin (SCO2 00136) and Nora Doherty for James M. Crowley (SCDB 00007). The MOTION carried without negative vote.

Conduct Hearings

David J. Abel, 751 Arrowhead Drive, SCO3 00021A

Martin had Danielson, property owner David J. Abel and agent Jack Lidbetter raise their right hands and swear that the testimony that they were to present for the hearing would be "the truth, the whole truth and nothing but the truth, so help you God." Danielson stated for the record that the oath he took was with regard to all the hearings that were to be conducted before the Board of Review that day. Abel stated that he had an appraisal for his property prepared by Lidbetter and his appraisal indicates a fair market value of \$495,000. On the Objection Form filed by Abel, he stated that fair market value of the property as of January 1, 2008 as \$500,000. Abel stated that there is no lake view from his property and a \$120,000 increase in the assessed value of the property from last year is not justified. Lidbetter stated that the lack of a view of the lake from the home makes the property less valuable than the \$599,600 total assessment set by the Village assessor. Last year's assessment on the property totaled \$490,400. Danielson stated that one of the assessors from his firm toured the

property in 2005 and the assessment was set to include value for a view of the lake. Danielson asked if there was any evidence to support the claim that there is no view of the lake from the property and none was presented by the petitioner. Danielson stated that the home was purchased by the petitioner in 2003 for \$450,000 and the assessment was established based on the percentage of increase of sales in the subdivision during 2006 and 2007. In response to a question, Lidbetter stated that the comparable sales he cited in his appraisal report did not feature lake views.

Michael J. Andrychowski, 169 Abbey Springs Drive, SCDB 500169

Martin had Michael J. Andrychowski raise his right hand and swear that the testimony that he was to present for the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” Andrychowski stated that although he initially listed \$500,000 as his opinion of the fair market value of his property as of January 1, 2008, he wanted to amend the form to state that fair market value of the property is \$424,419. Andrychowski purchased the property for \$300,000 in 1995. Andrychowski stated that the unit at 168 Abbey Springs Drive sold for \$590,000 last August so he thinks that his property is over-assessed at a total of \$557,400. Last year the property was assessed at a total of \$375,000. Andrychowski stated that the property at 167 Abbey Springs Drive is assessed at \$467,800 and that unit has more square footage. Beers stated that the Board of Review members were bound by state statutes to only consider evidence of comparable, arms-length sales or an appraisal prepared by a certified appraiser and they cannot consider the current assessments of other properties or current market conditions. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that the only difference in the assessments of the subject property and the comparable sales is the land value because the comparable sales properties are located adjacent to the golf course. Danielson stated that looking at the three comparable sales in his analysis report versus the current assessment on the subject property he feels the \$557,400 total assessment is in line. Andrychowski stated that his unit is on a quad-lot, not a full lot and the comparable sales properties used by Danielson are on full lots. Andrychowski stated that his unit also only features a crawl space, not a full basement. Andrychowski stated that the comparable sale he cited is the home located right across the street from his property so he feels it is a better comparable. In response to a question, Danielson stated that he did not use the sale cited by Andrychowski in his sales analysis and selected the other three properties for the report because the home cited by Andrychowski was constructed in a different style than subject home.

Roberta Hunt, Trustee, 1076 Shabbona Drive, SCO2 00079

Martin had John Hunt raise his right hand and swear that the testimony that he was to present as the agent for the property owners at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” Hunt asked if the storage space in the subject home was counted as living space in determining the assessed value of the property, which is currently set at \$130,100 for the land and \$341,400 for the improvements for a total assessed value of \$471,500. On the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$350,000. The property was purchased by the petitioners in 1990 for \$183,000. Hunt stated that the property located adjacent to the subject property sold in 2006 for \$523,000. Hunt stated that the lot for the property located next door to the subject parcel is the same width, but it is longer in the back. Hunt stated that the property located next door is a better comparable and justifies his contention that the assessment should be set at \$350,000. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that the previous assessment on the subject property was set at a total of \$294,400 and the current assessment total of \$471,500 is a 61.5 percent increase from last year. Danielson stated that he did not use the comparable sale cited by the petitioner because that home was partitioned off and located on a new lot; and that house is now assessed at \$490,000. Danielson stated that taking into account the difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. Hunt stated that the one of the comparable homes cited by Danielson in his report has a better basement and more square footage than his home. Hunt stated that at a time when the real estate market is depressed, a 67 percent increase in his total assessment during a couple of years is out of line. Hunt stated that he could not sell the subject property at this time for the current assessed price and the market value at this time should be taken into consideration by the Board of Review.

Patricia A. Wakenight, 173 Abbey Springs Drive, SCDB 500173

Martin had Jack Lidbetter and Patricia A. Wakenight raise their right hands and swear that the testimony that they were to present at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$1,150,400, and the petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$925,000. Lidbetter presented an appraisal report for the subject property that lists the fair market value of the subject property at \$925,000 as of September 16, 2008. Lidbetter stated that when the home was constructed by the petitioner in 2004, it was appraised at \$491,000 and the petitioner currently only has a total of \$634,812 in insurance covering the property. Lidbetter stated that he used comparable sales from 2006 and 2007 in preparing his appraisal of the subject property. Lidbetter stated that there was only one sale in the entire Abbey Springs subdivision that was for more than \$1 million during the last two years. Lidbetter stated that the three sales he compared to the subject parcel produce a fair market value appraisal of \$925,000 for the subject property as of December 31, 2007. Lidbetter stated that the Wakenight property is not located on the golf course and there were no comparable sales. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that the appraisal prepared by Lidbetter did not take into account the dimensions of the property or adjust the square footage values. Danielson stated that taking into account the difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. The property was assessed at a total of \$785,500 in 2007 and the current total assessment of \$1,150,400 is a 46 percent increase from last year. Lidbetter stated that the first and third comparable sale cited by Danielson are newly constructed homes and there should be some adjustment made for the Wakenight property for depreciation since it was constructed four years ago. Patricia Wakenight stated that her home is located on a street that is not on the golf course and the homes used in Danielson’s comparable sales analysis are located on streets that abut the golf course.

LaVerne D. Dellinger, 763 Arrowhead Drive, SCO3 00016

Martin had LaVerne D. Dellinger raise his right hand and swear that the testimony that he was to present at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$396,700, and the petitioner states on the Objection Form his opinion of the fair market value of the property as of January 1, 2008 is \$300,000. Dellinger presented a statement comparing the assessment on his property and the assessments of the properties at 753 and 779 Arrowhead Drive. Dellinger stated that considering the his house is significantly older and smaller than two neighbors, that his property doesn’t have a second full bathroom or any garage, that more than 50 percent of the living space in his home is sub prime, and that his property is assessed at a substantially higher rate, he was seeking a large reduction to make the assessment on his property on par with the assessments of the two neighboring properties. Dellinger stated that his home is constructed into a hill and 54 percent of the structure is sub prime and located below basement level. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that taking into account the difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. The property was assessed at a total of \$284,100 in 2007 and the current total assessment of \$396,700 is a 39 percent increase from last year. The property was purchased by the petitioner for \$259,000 in 2002. In response to a question from Beers, Danielson stated that the assessment set in the initial market revaluation completed this year was lowered by \$45,000 when the petitioner pointed out the error during an Open Book session.

William H. Pope, 1160 Lower Brookwood Drive, SUP 00002

Martin had Jack Lidbetter raise his right hand and swear that the testimony that he was to present at the hearing as the agent for the property owner would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$2,601,200, with the land assessed at \$2,072,500 and the improvements valued at \$528,700. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$1,980,000 and that he carries \$432,000 of insurance on the dwelling. Lidbetter stated that the total

assessment on his property is up 35.9 percent this year and it has increased by 360 percent since 2004. Lidbetter presented an appraisal he prepared on the property that states the fair market value of the property is \$1,980,000. Lidbetter stated that although the property has 70 feet of frontage on the lake, the property is only accessible through an estate gate. Danielson asked Lidbetter how he calculated the total value of the lakefront land footage. Lidbetter stated that he based the total value of the land on \$20,000 per square foot. Danielson stated that the difference between the three comparable sales cited in the appraisal prepared by Lidbetter and in his sales analysis is because Lidbetter did not adjust his appraisal for the fact that the subject property has more footage located on the lakefront. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that taking into account the difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. Danielson stated that the property was assessed at a total of \$1,914,100 in 2007 and the current total assessment is a 35.9 percent increase from last year. In response to a question from Whowell, Danielson stated that lakefront footage is assessed at \$31,000 for the first 60 feet with value added at a higher rate for the footage that exceeds the first 60 feet. Danielson stated that he calculated the lakefront land valuation method based on the ratio established in 2005 during the reassessment of the entire municipality. Danielson stated that majority of the total value of the parcel is based on the value of the land and the land values are based on the exact formulas established in 2005. Danielson stated that eight sales were used to calculate the land value formulas. The average increase in value for the eight land sales was 50 percent of the assessed value at the time of the sale. Danielson stated that three of the eight sales used to calculate the land value formula were for parcels that have less than 60 feet of land on the lakefront and five of the sales were for parcels that have more than 60 feet of land on the lakefront. In response to a question from Beers, Danielson stated that there was no depth factor added to the land value for the subject parcel. Lidbetter stated that a 35.9 percent increase in the total assessment for the property is not bad for the market revaluation year, but a 360 percent increase during a four-year period seems excessive. Lidbetter stated that the subject parcel is not an estate quality lot because the owners cannot drive right up to the property, they have to enter through the gate of another estate.

Following the hearing, Chairman Beers called for a 10-minute recess.

Late Notice of Intent Form

Martin stated that property owner William B. Gage, Tax Parcel No. SCTL 00002, located at 1031 Tarrant Drive, filed a Notice of Intent to File Objection form during the first two hours of the hearing, but after the 48-hour deadline under the “for good cause” section of the form.

Pappas/Kenny 2nd made a MOTION to accept the late filed Notice of Intent to File Objection form and to direct Martin to schedule a hearing before the Board of Review for property owner William B. Gage (SCTL 00002), and the MOTION carried without negative vote.

Deliberation on Hearings

David J. Abel, 751 Arrowhead Drive, SCO3 00021A

Whowell stated that the total assessment on the property only increased by 22 percent in the market revaluation and the claim that there is no view of the lake from the property was Abel’s only argument for lowering the assessment. Whowell stated that the current assessment on the property is fair. Pappas stated that the Board of Review members should not look at the old assessment of the property in making its decision. Pappas stated that if the petitioner paid \$455,000 for the property in 2003 and it now is only assessed at \$599,600, the assessment is in line. Pappas stated that the petitioner did not present any sales evidence to support his claim. Kenny stated that there is a limited view of the lake from the property when there are no leaves on the trees.

President Pollitt/Whowell 2nd made a MOTION to maintain the assessment for the David J. Abel property at 751 Arrowhead Drive, Tax Key No. SCO3 00021A, at \$326,700 for the Land, and \$272,900 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor’s initial valuation, and the Roll Call Vote followed:

Beers – Aye

Kenny – Aye

Whowell – Aye

Pappas – Aye

Pollitt - Aye

The MOTION carried on a 5-0 vote.

Michael J. Andrychowski, 169 Abbey Springs Drive, SCDB 500169

Beers stated that the petitioner did not present any sales comparable evidence to support his claim. Whowell stated that petitioners have to present some allowable evidence to the Board of Review for the Board members to consider overturning the assessor's initial assessment.

Pappas/President Pollitt 2nd made a MOTION to maintain the assessment for the Michael J. Andrychowski property at 169 Abbey Springs Drive, Tax Key No. SCDB 500169, at \$172,600 for the Land, and \$384,800 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor's initial valuation, and the Roll Call Vote followed:

Kenny – Aye

Whowell – Aye

Pappas – Aye

Pollitt – Aye

Beers – Aye

The MOTION carried on a 5-0 vote.

Roberta Hunt, Trustee, 1076 Shabbona Drive, SCO2 00079

Whowell stated that the petitioner presented three comparable sales from 2006 that indicate the assessment may be a little high on the property. Pappas stated that he is not sure that the property could be sold at the current total assessed value of \$471,500. Pappas stated that he believes the improvement value could be reduced by 25 percent, or \$17,100, to bring the total assessment down to \$454,400.

Pappas/Whowell 2nd made a MOTION to set the assessment for the Roberta Hunt, Trustee property at 1046 Shabbona Drive, Tax Key No. SCO2 00079, at \$130,100 for the Land, and \$324,300 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Whowell – Aye

Pappas – Aye

Pollitt – Aye

Beers – Aye

Kenny – Aye

The MOTION carried on a 5-0 vote.

Conduct Hearings

P & L Investments, LLC, 914 Duck Pond Road, SCDB 1100014

Martin had Pamela Beer raise her right hand and swear that the testimony that she was to present at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$440,000. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$400,000 and the property was purchased on March 1, 2007 for \$440,000. Beer presented comparable sales evidence of six properties and stated that after they purchased the property for \$440,000, the market dried up and there have been no comparable sales made since they purchased the property in 2007. Beer stated that she averaged the sale prices of the six properties she presented and came up with \$420,000. Beer stated that she thinks they over-paid for the property in 2007. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that taking into account the difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. Danielson stated that the subject property was purchased for \$440,000 and that is the value currently assessed on the property. Danielson stated that the comparable sales presented by the petitioner are within 10 percent of the total value placed on the subject parcel. Danielson stated that the assessment was based on the actual purchase price, and ultimately, the purchase of the subject property set the market value of the entire subdivision. Beer stated that one of the comparable sales cited in Danielson's sales analysis is a nicer home than the

subject property because it has wooden floors and nicer amenities.

Joseph Hadfield, 498 Mesita Road, SIHF 00017

Martin had Joseph and Madeleine Hadfield raise their right hands and swear that the testimony that they were to present at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$348,400 with the land assessed at \$150,700 and the improvements valued at \$197,700. The property was assessed at \$239,900 last year. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$285,000 and that he carries \$285,000 of insurance on the dwelling. Joseph Hadfield distributed an appraisal prepared by Jack Lidbetter that states the fair market value of the property is \$285,000. Joseph Hadfield stated that one of the comparable sales used by the Village assessor is a property located across the street from the golf course and it is a spectacular home compared to his property. Joseph Hadfield stated that the comparable sales used by the Village assessor are homes that have private beach rights and there are none for his property. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales of homes that are of similar age, size and style of the subject property. Danielson stated that the current assessment on the subject property is a fair valuation. In response to a question from Beers, Joseph Hadfield stated that the lower half of the home is concrete and the upper half is a prefabricated Wausau Home.

Carol J. Corso Trust, 45 Rolling Green Drive, SCDB 00045

Martin had James and Karen Barris raise their right hands and swear that the testimony that they were to present at the hearing as the agents for property owners Carol and Joseph Corso would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$833,600 with the land assessed at \$153,700 and the improvements valued at \$679,900. The property was assessed at \$541,900 last year. The petitioner states on the Objection Form the opinion of the property owners of the fair market value of the property as of January 1, 2008 is \$650,000 and that there is \$616,200 of insurance on the dwelling. Karen Barris presented a comparable sale of the property at 168 Abbey Springs Drive, which sold for \$530,000 in August 2007. Karen Barris also presented a list of property assessments for homes located on Rolling Green Drive and stated that the back lot of the subject property abuts South Lakeshore Drive, which makes the property worth less than the other residences on Rolling Green Drive. Karen Barris stated that there was only one sale of a similar property in the Abbey Springs subdivision in 2006 and 2007, and it sold for \$530,000. Karen Barris stated that the property that sold for \$530,000 features an older home, but it has four bedrooms, a full basement and a 3.5-car garage. Karen Barris stated that the subject parcel is more square footage than the property that sold for \$530,000, but it has fewer bathrooms. Karen Barris stated that the subject parcel is assessed at \$300,000 more than property that sold for \$530,000. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales of homes that are of similar age, size and style of the subject property. Danielson stated that the current assessment on the subject property is a fair valuation. Karen Barris stated that one of the comparable sales cited in the sales analysis prepared by Danielson is a much nicer home than the subject home. In response to a question from Beers, Karen Barris stated that as of January 1, 2008 she would have probably listed the subject parcel for \$795,000 in the hope of getting an offer in the range of \$749,000 to \$755,000. Pappas asked Danielson if the fact that the property backs up to South Lakeshore Drive was taken into account for the value of the land. Danielson stated that there were no sales statistics to justify a land valuation difference between lots that do and do not back up to streets with high volumes of traffic and associated noise and light pollution.

Lee O. Eakright, 334 Bayview Drive, SRA 00007

Martin had Lee Eakright raise his right hand and swear that the testimony that he was to present at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$446,300. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$395,000, the property was purchased in October 1993 for \$130,500, and there is \$381,800 worth of fire insurance on the property. Eakright stated that he does not object to the assessed value of the improvements on his parcel, he objects to the value of the land. Eakright presented two comparable sales from the

list of sales used by the assessor's office for the market revaluation project. One of the comparable sales was for a home on Bayview Drive at Reid Street and the second was for a home on Kinzie Avenue in the Buena Vista subdivision. Eakright stated that the assessed value on those properties breaks down to a land value of \$41,184 per square foot of property, based on the Reid Subdivision land value formula and with an added premium for the lake view factor. Eakright stated that his property does not have any associated lake rights, so it is assessed at a higher rate for the lake view premium. Eakright also presented photographs taken from and around his property that depict obscured and completely blocked views of the lake. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and two comparable sales of homes that are of similar age, size and style of the subject property. Danielson stated the view factor premium was lowered somewhat at the Open Book and the current assessment on the subject property is in line. The total assessment on the property increased by 32.9 percent from last year's assessment. Eakright stated that the land value of the land was adjusted at Open Book, but only by about \$50,000. Eakright stated that he attempted to present evidence that demonstrates his land is valued too high, especially considering the home is constructed right to the lot lines and it is located abutting a 40-stall parking lot.

Richard Lisiecki, 673 South Lakeshore Drive, STFV 00122C

Martin had Richard and Wladyslawa Lisiecki raise their right hands and swear that the testimony that they were to present at the hearing would be "the truth, the whole truth and nothing but the truth, so help you God." The current assessment of the property totals \$267,200 with the land assessed at \$75,600 and the improvements valued at \$191,600. The property was assessed at a total of \$190,400 last year. The petitioner states on the Objection Form the opinion of the property owners of the fair market value as of January 1, 2008 is \$180,000. Richard Lisiecki stated that three years ago the property was assessed at a total of \$190,000, and the home needs a new roof, the driveway is cracked and windows need to be replaced. Wladyslawa Lisiecki stated that the home is a cottage and there is no insulation in the walls. Richard Lisiecki stated that the neighboring property also is adversely affecting the value of the subject property because the residence has been abandoned, the lot is in poor shape and weeds are overgrowing onto their property. Wladyslawa Lisiecki stated that the home is a cottage and it was assessed at \$190,000 three years ago and it is in worse condition now, so the property should be assessed at \$180,000. Wladyslawa Lisieski stated that the property is not located on the water, does not feature a view of the lake and has no beach access. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales of homes that are of similar age, size and style of the subject property. Danielson stated that the current assessment on the subject property is a fair valuation. The current assessment is a 40 percent increase from last year's total assessment. Wladyslawa Lisieski stated that she would love to be able to sell the property for \$267,200 right now.

Following the hearing, Chairman Beers called for a 10-minute recess.

Deliberation on Hearings

Patricia A. Wakenight, 173 Abbey Springs Drive, SCDB 500173

Beers stated that the independently prepared appraisal on the subject property indicated a fair market value of \$925,000. Pollitt stated that the subject property's total valuation was driven up by the first of the three comparable sales used in the sales analysis prepared by Danielson. Pollitt stated that the first comparable, a \$1.4 million sale, increased the value per square foot on the subject parcel. Pappas stated that if the subject home was constructed cheaper than the homes in the comparable sales analysis, the percentage of increase for the improvement valuations should be lower for the subject home. Beers stated that the comparison sales used in the appraisal prepared by Lidbetter have lower square footage costs and it is hard to figure that the subject home is worth more than \$1 million. Pappas stated that the \$420,000 increase for the value of the subject property seems excessive. Pollitt stated that by removing the first comparable sale used in Danielson's analysis, it would lower the cost per square foot to a level more in line with the fair market value at \$200 per square foot. Beers stated he agreed that removing the first comparable sale used in Danielson's analysis would bring the total valuation in line with the appraisal prepared by Lidbetter. The Board was in consensus that the cost per square foot for the subject home should be calculated at \$200 per square foot to bring the total assessment down to \$954,000.

President Pollitt/Kenny 2nd made a MOTION to set the assessment for the Patricia A. Wakenight property at 173 Abbey Springs Drive, Tax Key No. SCDB 500173, at \$207,300 for the Land, and \$747,200 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Pappas – Aye

Pollitt – Aye

Beers – Aye

Kenny – Aye

Howell – Aye

The MOTION carried on a 5-0 vote.

LaVerne D. Dellinger, 763 Arrowhead Drive, SCO3 00016

Kenny stated that the main argument presented by LaVerne Dellinger was that the majority of the home is located sublevel, but the home is very nice. Kenny stated that the petitioner purchased the home for \$260,000 in 2002, so the current assessment level is fair. Beers stated that the petitioner did not present any comparable sale evidence. Howell stated that the assessment seems fair at the current level.

Pappas/Howell 2nd made a MOTION to maintain the assessment for the LaVerne D. Dellinger property at 763 Arrowhead Drive, Tax Key No. SCO3 00016, at \$137,200 for the Land, and \$259,500 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor's initial valuation, and the Roll Call Vote followed:

Pollitt – Aye

Beers – Aye

Kenny – Aye

Howell – Aye

Pappas – Aye

The MOTION carried on a 5-0 vote.

William H. Pope, 1160 Lower Brookwood Drive, SUP 00002

Howell stated that the petitioner's argument that the subject lot has a lack of depth is not a valid argument that the current assessment is excessive. Howell stated that the subject lot is one of kind and the current assessment is fair. Pappas stated that the land value formula used by the Village assessor is fair and it is hard to argue against it, especially with regard to calculating the land value for lakefront property.

Kenny/Pappas 2nd made a MOTION to maintain the assessment for the William H. Pope property at 1160 Lower Brookwood Drive, Tax Key No. SUP 00002, at \$2,072,500 for the Land, and \$528,700 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor's initial valuation, and the Roll Call Vote followed:

Beers – Aye

Kenny – Aye

Howell – Aye

Pappas – Aye

Pollitt – Aye

The MOTION carried on a 5-0 vote.

P & L Investments, LLC, 914 Duck Pond Road, SCDB 1100014

Beers stated that the subject property is assessed at the purchase price and that the comparable sales presented by the petitioner are within 10 percent of the total value placed on the subject parcel.

President Pollitt/Pappas 2nd made a MOTION to maintain the assessment for the P & L Investments, LLC property at 914 Duck Pond Road, Tax Key No. SCDB 1100014, at \$83,900 for the Land, and \$356,100 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor's initial valuation, and the Roll Call Vote followed:

Kenny – Aye

Howell – Aye

Pappas – Aye

Pollitt – Aye

Beers – Aye

The MOTION carried on a 5-0 vote.

Joseph Hadfield, 498 Mesita Road, SIHF 00017

Pappas stated that he thinks the petitioner presented evidence that demonstrates the current assessment is too high. Beers stated that he agrees with Pappas. Pappas stated that homes in the Indian Hills First Addition are selling for less than the homes in the original subdivision. Whowell stated that he also thinks that the comparable sales evidence presented by the petitioner is more appropriate than the comparables sales used in the sales analysis report prepared by Danielson. Pollitt stated that he thinks the total assessment should be in the range of \$285,000, not \$348,400. Pappas stated that the comparable sales presented by the petitioner would justify a cost per square foot of \$96 for the total valuation. Pappas stated that the Board of Review should consider adjusting the land value since the decent sized lot is not large enough to subdivide into two buildable lots. Beers stated that half of the home is a prefabricated Wausau Home, so the improvements value is not worth as much as the improvements of the comparable sales homes. Kenny stated that he could support a motion that would set the total valuation of the subject property at about \$300,000. Pappas stated that he would be willing establish a land valuation of \$110,000 for the subject parcel.

Pappas/Kenny 2nd made a MOTION to set the assessment for the Joseph Hadfield property at 498 Mesita Road, Tax Key No. SIHF 00017, at \$110,000 for the Land, and \$197,700 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Whowell – Aye

Pappas – Aye

Pollitt – Aye

Beers – Aye

Kenny – Aye

The MOTION carried on a 5-0 vote.

Carol J. Corso Trust, 45 Rolling Green Drive, SCDB 00045

Beers stated that the subject property features a newer home, but the current assessment does seem a little high. Pappas stated that the comparable sales properties presented by Danielson were for parcels with smaller houses, but they are on the same street. Beers stated that the traffic and noise impact of the back of the lot abutting South Lakeshore Drive would be a concern for a potential buyer and the current assessment seems a little high. Pappas stated that the petitioner indicated they would sell the property for \$750,000 and that seems like an appropriate assessment. Beers stated that he agrees with Pappas that a total assessment of \$750,000 would be appropriate. Beers stated that the Board of Review could consider reducing the value of the land by \$23,000 and recued the value of the improvements by \$60,600 for a total assessment of \$750,000. Whowell stated that he could support a 15 percent reduction in the total assessment because of the road factor.

President Pollitt/Beers 2nd made a MOTION to set the assessment for the Carol J. Corso Trust property at 45 Rolling Green Drive, Tax Key No. SCDB 00045, at \$130,700 for the Land, and \$619,300 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Pappas – Aye

Pollitt – Aye

Beers – Aye

Kenny – Aye

Whowell – Aye

The MOTION carried on a 5-0 vote.

Chairman Beers called for a 10-minute recess at 6:21 pm.

Conduct Hearings

Daniel E. Maus, 543 Forest Glen Drive, SGT 00003B

Martin had Daniel E. Maus raise his right hand and swear that the testimony that he was to present at the hearing would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$363,600. The petitioner states on the Objection Form the

opinion of the fair market value of the property owners as of January 1, 2008 is \$326,163, the property was constructed in 2001 for \$236,000, and there is \$310,000 worth of fire insurance on the property. Maus presented an exhibit that compares the subject property to a property that was sold on February 29, 2008. Maus stated that a square footage error was corrected at Open Book; however, based on the comparable sale he presented of the property at 518 Berwyn Drive, the assessment on his property should be \$86.99 per square foot, for a total assessment of \$326,172. Beers stated that the Board of Review could not consider the comparable sale presented by Maus because the current assessment is for the fair market value of the property as of January 1, 2008, which is the date that sales evidence has to be cutoff until next year's assessment. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that the current assessment on the subject property represents an 18.48 percent increase from last year. Danielson stated that taking into account the difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line.

Declaration of Trust of Theresa L. Bagley, 250 West Waubun Drive, SCO2 00014

Martin had David M. Bagley raise his right hand and swear that the testimony that he was to present at the hearing as the agent of the property owners would be "the truth, the whole truth and nothing but the truth, so help you God." The current assessment of the property totals \$321,900, with the land assessed at \$95,000 and the improvements assessed at \$226,900. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$263,000, the property was purchased for \$321,900, and there is \$183,900 worth of fire insurance on the property. Bagley presented an exhibit that makes four points based on the sale of eight properties in the Country Club Estates subdivision. Bagley stated that although the total assessment for the subject property was set at the sale price, he would like it reduced to the market value. Bagley stated that a reduction in the total assessment to \$263,000 is justified considering the recent sales of similar properties in the Country Club Estates subdivision area, the assessor's own valuations of similar properties, the assessor's notes from the Open Book session and the adjustments to the sale price for items not normally included in the valuation of improvements. Bagley stated that appliances and other items included in the \$321,900 sale price of the subject property total \$15,450 in value. Danielson presented a comparable sales analysis he prepared for the subject property which lists the sale of the subject property and two other comparable sales. Danielson stated that the current assessment on the subject property is the sales prices paid by the petitioner in March 2006. Danielson stated that the personal property items listed by Bagley were not listed on the Transfer of Sale documents, so they are not accounted for in the current assessment. Danielson asked if the personal property items listed by the petitioner were brand new when the property was purchased in March 2006, and what the level of value depreciation would be for the two years since the property was purchased by the petitioner. Danielson stated that the property was assessed at \$141,100 before the current assessment was increased to the purchase price of \$321,900. Bagley stated that he used more comparable sales figures than featured in the sales analysis prepared Danielson to get a broader range of the fair market value of the subject property.

Robert A. Shorr Revocable Trust, 417 Deerpath West, SCDB 1400417

Martin had Robert A. Shorr raise his right hand and swear that the testimony that he was to present at the hearing as the agent of the property owners would be "the truth, the whole truth and nothing but the truth, so help you God." The current assessment of the property totals \$808,900, with the land assessed at \$146,800 and the improvements assessed at \$662,100. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$740,000 and the home on the property was constructed at a total cost of \$680,000. Shorr stated that he was informed that the assessments set in the market revaluation were based on sales figures from 2007 and his property assessment was based on homes that sold in 2005. Shorr stated that his property is located off the golf course and the home is 15 years old with old-fashion fixtures. Shorr stated that his home does not feature granite or marble counters and the sinks are old, and the home is constructed on less than one-third of the entire lot. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and three comparable sales. Danielson stated that one of the sales he used in the analysis is for a property that sold in 2005 and the other two comparable sales were in 2006. Danielson stated that taking into account the

difference in square footage between the subject property and the three comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. Shorr stated that he doesn't think the current assessment is fair.

Deliberation on Hearings

Lee O. Eakright, 334 Bayview Drive, SRA 00007

Beers stated that the primary issue brought up by Eakright was the lack of a view from the property. Pappas stated that Danielson indicated he also did not take into factor the condominium parking lot when determining the assessment for the land value. Whowell stated that the subject property is located closer to the lake than the comparable sales properties and the petitioner rehabilitated the home to take advantage of the location. Pappas stated that the land value of the subject property should be calculated with the land value formula, but there should be a reduction from the initial amount considering the parking lot that abuts the subject lot and the fact that there isn't a view of the lake from the house. Pollitt stated that the petitioner knocked out the view by constructing the porch and there is no view of the lake from the property to the west of the subject parcel. Pappas stated that there was no lake view factor added to the land value of the neighboring parcel. Kenny stated that he thinks that the view factor evidence presented by the petitioner should be considered in the land valuation. Beers stated that there is some validity for the petitioner's argument about the lack of the view, but he is not sure that a \$50,000 reduction is justified. Kenny and Whowell stated that they agreed with Beers. Beers suggested a reduction of the land valuation by \$25,000 to \$30,000. Following discussion, the Board of Review members were in consensus that an appropriate reduction of the valuation of the land for the lack of a lake view would be 15 percent.

Pappas/Kenny 2nd made a MOTION to set the assessment for the Lee O. Eakright property at 334 Bayview Drive, Tax Key No. SRA 00007, at \$173,910 for the Land, and \$241,700 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Pappas – Aye

Pollitt – Nay

Beers – Aye

Kenny – Aye

Whowell – Aye

The MOTION carried on a 4-1 vote.

Richard Lisiecki, 673 South Lakeshore Drive, STFV 00122C

Beers stated that there was no evidence presented by the petitioners to refute the initial assessment set by the Village assessor. Whowell stated that the subject property is an old home and it is getting older; however, there is no problem with the current assessment.

Pappas/Whowell 2nd made a MOTION to maintain the assessment for the Richard Lisiecki property at 673 South Lakeshore Drive, Tax Key No. STFV 00122C, at \$75,600 for the Land, and \$191,600 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor's initial valuation, and the Roll Call Vote followed:

Pollitt – Aye

Beers – Aye

Kenny – Aye

Whowell – Aye

Pappas – Aye

The MOTION carried on a 5-0 vote.

Daniel E. Maus, 543 Forest Glen Drive, SGT 00003B

Beers stated that no acceptable evidence was presented by the petitioner to refute the initial assessment set by the Village assessor.

Kenny/President Pollitt 2nd made a MOTION to maintain the assessment for the Daniel E. Maus property at 543 Forest Glen Drive, Tax Key No. SGT 00003B, at \$82,600 for the Land, and \$281,000 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the assessor's initial valuation, and the Roll Call Vote followed:

Beers – Aye

Kenny – Aye

Whowell – Aye

Pappas – Aye

Pollitt – Aye

The MOTION carried on a 5-0 vote.

Declaration of Trust of Theresa L. Bagley, 250 West Waubun Drive, SCO2 00014

Whowell stated that the petitioner presented evidence that there was personal property included in the sales price of the home. Pollitt stated that the petitioner could have received credit for the personal property at the time of the purchase if it would have been listed on the transfer return documents. Pollitt stated that if the Board of Review was going to consider a reduction from the actual sales price for the subject property, the personal property value should be depreciated because it is no longer new. Whowell suggested a credit of \$5,000 for the personal property items listed by the petitioner.

Whowell/Pappas 2nd made a MOTION to set the assessment for the Declaration of Trust of Theresa L. Bagley property at 250 West Waubun Drive, Tax Key No. SCO2 00014, at \$95,000 for the Land, and \$221,900 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Kenny – Aye

Whowell – Aye

Pappas – Aye

Pollitt – Aye

Beers – Aye

The MOTION carried on a 5-0 vote.

Robert A. Shorr Revocable Trust, 417 Deerpath West, SCDB 1400417

Beers stated that the petitioner did not present any evidence to refute the initial assessment set by the Village assessor.

Whowell/Kenny 2nd made a MOTION to maintain the assessment for the Robert A. Shorr Revocable Trust property at 417 Deerpath West, Tax Key No. SCDB 1400417, at \$146,800 for the Land, and \$662,100 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Whowell – Aye

Pappas – Aye

Pollitt – Aye

Beers – Aye

Kenny – Aye

The MOTION carried on a 5-0 vote.

Conduct Hearing

Thomas A. Mazur, 520 Pheasant Ridge Lane, SPHR 00011

Martin had Thomas A. Mazur and Shari Rauland Mohr raise their right hands and swear that the testimony that they were to present at the hearing as the agents of the property owner would be “the truth, the whole truth and nothing but the truth, so help you God.” The current assessment of the property totals \$547,600, with the land assessed at \$91,700 and the improvements assessed at \$455,900. The petitioner states on the Objection Form the opinion of the fair market value of the property owners as of January 1, 2008 is \$380,000, and the home on the property was constructed in 2003 at a total cost of \$328,000, with the value of the land \$55,000 and the value of the improvements \$273,000. The petitioner states on the Objection Form that there is a total of \$458,000 in fire insurance on the property, and the property was appraised at \$570,000 in 2007 as part of a divorce settlement buyout/sale. Thomas Mazur stated that the property was listed for sale two years ago for \$574,000, but he did not receive any offers. Shari Rauland Mohr presented a packet of information which includes a current Geneva Lake area real estate market report and sales listing and recap information for 2006 through 2008. Rauland Mohr stated that the listing information and 2008 sales records she presented in her report to the Board of Review demonstrate the subject property should be assessed in the \$375,000 to \$400,000 range. Danielson presented a comparable sales analysis he prepared for the subject property which lists the subject property and four

comparable sales. Danielson stated that he used all Village of Fontana properties in the sales analysis that was prepared to come up with the assessment for the subject property. Danielson stated that taking into account the difference in square footage between the subject property and the four comparable sales he cites in the sales analysis, the current assessment on the subject property is in line. The property was assessed at a total of \$382,400 in 2007 and the current total assessment of \$547,600 is a 43.2 percent increase from last year. Danielson stated that the assessment of the subject property actually increased by a lower percentage than the assessments of the comparable sale properties. In response to a question from Whowell, Rauland Mohr stated that no homes are selling in the Pheasant Ridge subdivision.

Deliberation on Hearing

Thomas A. Mazur, 520 Pheasant Ridge Lane, SPHR 00011

Whowell stated that the evidence presented by Rauland Mohr was all marketing information and sales figures from 2008, which are not admissible as evidence until next year. Beers stated that Rauland Mohr's report indicated that homes are not selling in the Pheasant Ridge subdivision, but that is not acceptable evidence to refute the initial assessment set by the Village assessor. Pollitt stated that he agrees that the 2008 sales data can't be considered as evidence and that the present economic factors in the real estate market also are not admissible evidence. Pappas stated that Rauland Mohr also did not state the calculating method or land formula she used to come up with her estimated fair market value of the property. Whowell stated that the petitioner actually obtained an independent appraisal of \$570,000 in 2007 and the current assessed value of the property is only \$547,600. Beers stated that if the Board of Review were to consider any level of reduction it would be arbitrary, especially considering the petitioner listed the property for sale at the same value that it is currently appraised. Pappas stated that no proof was presented by the petitioner, and the burden of proof is on the petitioner to overturn the initial assessment established by the Village assessor. Whowell/President Pollitt 2nd made a MOTION to maintain the assessment for the Thomas A. Mazur property at 520 Pheasant Ridge Lane, Tax Key No. SPHR 00011, at \$91,700 for the Land, and \$455,900 for the Improvements, based on all the evidence presented at the hearing, and to record the fact finding standards that support the adjusted valuation, and the Roll Call Vote followed:

Pappas – Aye

Pollitt – Aye

Beers – Aye

Kenny – Aye

Whowell – Aye

The MOTION carried on a 5-0 vote.

Schedule Adjourned Meeting Date

Whowell/Kenny 2nd made a MOTION to schedule the Adjourned Meeting Date for Tuesday, September 30, 2008 beginning at 10:00 am, and to direct Martin to post the Notice of Adjourned Board of Review to Later Date, and the MOTION carried without negative vote.

Adjournment

Pappas/Kenny 2nd made a MOTION to adjourn at 8:20 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin

Note: These minutes are subject to further editing. Once approved by the Board of Review, the official minutes will be on file at the Village Hall.

APPROVED: _____