

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Robert Van De Voorde Trust
DOCKET NO.: 05-00272.001-R-1
PARCEL NO.: 10/4994-5

The parties of record before the Property Tax Appeal Board are Robert Van De Voorde Trust, the appellant, and the Rock Island County Board of Review.

The subject property consists of a one-story brick and frame detached condominium containing 1,862 square feet of living area that was built in 2001. The dwelling features a full, partially finished walkout basement, central air conditioning, a four season room, a fireplace, two decks and two-car attached garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted a limited appraisal of the subject property that estimated a fair market value of \$250,000 as of October 21, 2005, using the sales comparison approach to value. The appraisal report was prepared by a state licensed appraiser who was present at the hearing and offered testimony regarding the appraisal methodology and final value conclusion.

Under the sales comparison approach, the appraiser used four suggested comparable sales. Comparables 1 and 2 are located in close proximity along the subject's street while comparables 3 and 4 are located 1.5 and 5 miles as well as in different townships than the subject. Two comparables are located in Rock Island School District like the subject while two comparable are located in Moline and Rockridge school districts, respectively. The land sizes for the suggested comparables were not disclosed. The comparables consist of one-story frame or brick and frame condominiums that range in age from new to 24 years. The comparables have full basements that are from 60% to 90% finished. It as not disclosed whether the comparables have walkout basements. However, Multiple Listing Sheets submitted by the board of review indicate comparable 3 has a walkout basement like the subject. Other features include central air

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds **no change** in the assessment of the property as established by the **Rock Island** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	9,332
IMPR.:	\$	82,480
TOTAL:	\$	91,812

Subject only to the State multiplier as applicable.

conditioning, one or two fireplaces, decks and two car attached garages. Comparables 1 through 3 were reported as containing three season rooms. The dwellings range in size from 1,770 to 2,228 square feet of living area. They sold from October 2004 to May 2005 for prices ranging from \$210,500 to \$350,000 or from \$115.28 to \$182.29 per square foot of living area including land. The descriptive information for the comparables was taken from the Multiple Listing Service.

The appraiser adjusted the comparables for differences when compared to the subject in exterior construction, condition, living area, finished basement area, fireplaces, decks and three season rooms. After adjustments, the comparables had adjusted sale prices ranging from \$244,500 to \$253,500 or from \$108.30 to \$142.85 per square foot of living area including land. Based on these adjusted sales, the appraiser concluded a value for the subject property of \$247,800 or \$133.08 per square foot of living area including land. However, in reconciliation the appraiser concluded the subject's value to be \$250,000 or \$134.26 per square foot of living area including land, although no other approaches to value were performed. Based on this evidence, the appellant requested a reduction in the subject's assessment.

During direct testimony, the appraiser discussed the limited nature of newer condominium sales from the subject's area. The appraiser testified upon investigation of the sales, he discovered comparables 1 and 2 had multiple upgrades requiring a larger than normal adjustment for condition. He explained these dwellings contain features not enjoyed by the subject for items such as but not limited to graybill cabinets, Italian marble and cherry flooring, and granite countertops. The appraiser conceded comparable 3 was considerably older than the subject, but had been updated.

Under cross examination, the appraiser testified the cost or income approaches were not employed because they were not applicable to a single-unit condominium. No further explanation of this contention was provided. He also testified the appraisal was in the limited scope format. The appraiser indicated a computer glitch caused the finished basement area to go unreported in the sales comparison approach, but the adjustment amounts were based on the subject's basement being 35% finished. No adjustment was made for the subject's four season room, but was considered in the square footage adjustment. He did not inspect the interior of the comparables, but spoke to the agents or brokers of the sales to determine if they were arm's-length transactions as well as features, upgrades, and condition. The appraiser testified brokers and agents informed him as to the dollar amounts regarding the upgrades for comparables 1 and 2 since their purchase. The appraiser testified the original

condominiums were base units and purchasers could finish and upgrade the quality of kitchens, floor coverings, and basement finish. When asked if the upgrades were included in the sale prices, the appraiser indicated the base prices of the units were approximately \$180,000 to \$200,000 from unknown dates. The taxpayer indicated the undocumented base sale prices occurred four or five years prior or in approximately 2001. The appraiser explained comparable 1 had \$150,000 to \$200,000 in upgrades from its base or original purchase price. In summary, the appraiser testified comparable 1 was originally purchased for \$200,000; had \$150,000 in upgrades installed; and sold for \$350,000.

The appraiser testified his adjustment amounts for condition and finished basement area was based on a percentage of or one-half of the actual cost that was reported for the upgrades by the sales agent or broker and his professional experience. The differing per square foot adjustments amounts for finished basement area was based upon quality of construction for each comparable, although they were not inspected.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$91,812 was disclosed. The subject's assessment reflects an estimated market value of \$275,629 or \$148.03 per square foot of living area including land using Rock Island County's 2005 three-year median level of assessments of 33.31%.

The board of review first argued the appellant's appraiser listed the subject dwelling as containing 0 square feet of basement area, but the comparative analysis also lists the basement as having 35% finished basement with a bathroom. Page 1 of the appraisal report described the subject's basement as containing a living room, bedroom, and bathroom. Furthermore, the comparative analysis does not show the subject as having a four season room, although the board of review conceded the appraiser accounted for this room in the subject's overall square footage of living area. The board of review also disputed the \$65,000 and \$15,000 condition adjustment applied to comparables 1 and 2. The board of review also argued the basement adjustment amounts, which range from \$12,500 to \$25,000 or from \$9.10 to \$17.34 per square foot, are inconsistent, unreliable and not supported by any evidence. The board of review noted comparable 3 is located in South Moline Township and Moline School District, dissimilar to the subject's location in South Rock Island Township and Rock Island School District. Moreover, the board of review argued comparable 3 is 21 years older than the subject. The board of review also submitted a Real Estate Transfer Declaration indicating the appraiser's comparable 4 had a recorded sale price of \$278,241. However, the board of review also submitted a Multiple Listing Sheet revealing a final sale price for

comparable 4 was \$302,842, which was used by the appellant's appraiser.

In support of the subject's assessment, the board of review submitted a market analysis detailing three suggested comparables sales using data from the Multiple Listing Service. The board of review also submitted Multiple Listing Sheets for every comparable sale contained in the record that was submitted by both parties.

The board of review's first three comparables are located from 6.85 to 7.24 miles from the subject. The comparables are located in Moline School District, unlike the subject. The land sizes for the suggested comparables were not disclosed. The comparables consist of one-story brick and frame condominiums that range in age from 1 to 5 years. The comparables have full basements with finished area ranging from 800 to 2,053 square feet. Multiple Listing Sheets submitted by the board of review indicate only comparable 1 has a walkout basement like the subject. Other features include central air conditioning, one fireplace, decks and two car attached garages. Two comparables were reported to contain three or four season rooms. The dwellings are reported to range in size from 1,761 to 2,053 square feet of living area. They sold from May 2005 to November 2005 for prices ranging from \$267,920 to \$300,000 or from \$146.13 to \$152.14 per square foot of living area including land.

The township assessor, Susan J. Carpentier, was present at the hearing and also prepared a market analysis using three of the four comparable sales contained in the appellant's appraisal. The assessor used property record cards for the descriptive information, which slightly differed from the descriptive data in the appraisal for items such as the number of bathrooms, living area, finished basement area, and in one instance, the sale price of comparable 3. In summary, these comparables were reported to contain three bathrooms; range in size from 1,636 to 2,266 square feet of living; and sold from October 2004 to June 2005 for prices ranging from \$278,241 to \$350,000 or from \$132.39 to \$182.29 per square foot of living area including land.

The assessor testified condominium units from the subject's complex, which were built and sold in 2001 or 2002, were pre-sold without upgrades. The assessor explained upgrades and finishing occurred after the original pre-sale and the assessors were not allowed access for inspection by the developers after final completion. The assessor also testified no building permits were issued for any of the properties' upgrades after they originally sold, specifically referencing comparables 1 and 2 used by the appraiser and assessor. The assessor pointed out the subject originally sold in October 2001 for \$189,700.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant failed to overcome this burden.

The appellant submitted an appraisal of the subject property estimating its fair market value to be \$250,000 as of October 21, 2005. The Board gave little weight to the value conclusion contained in the appellant's appraisal report. Foremost, the Board gave little to no weight to comparable 3 used by the appellant's appraiser due to its considerably older age when compared to the subject. Clearly, this record contains other sales that are more similar to the subject, which calls into question as to why this comparable was selected. The Board further finds the extraordinary large adjustment amounts applied to the comparables for items such as condition, size, and age, which ranged from \$19,920 to \$65,000, are not supported by any credible documentary market evidence. Furthermore, the Board finds the specific finished basement adjustment amounts, which range from \$12,500 to \$25,000 or from \$9.10 to \$17.34 per square foot, are inconsistent, unreliable and not supported by any evidence, as pointed out by the board of review.

The Board finds the appellant's appraiser concluded a value for the subject property of \$247,800 or \$133.08 per square foot of living area including land under the sales comparison approach to value, which was the only traditional approach to value employed. However, in reconciliation the appraiser concluded the subject's value to be \$250,000 or \$134.26 per square foot of living area including land, although no other approaches to value were performed. Notwithstanding that the at least the cost approach was not employed on the four year old subject property, the Board finds it to be highly problematic the appraiser concluded two different values, albeit somewhat similar, using the same market derived data. Based on this analysis, the Board finds the appraiser's final value conclusion to be unsupported.

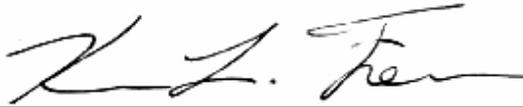
The Property Tax Appeal Board further finds this record contains a total of seven suggested comparable sales, three of which were common properties utilized by both parties. As found previously, the Board gave less weight to one comparable due to its considerably older age when compared to the subject,

notwithstanding its different location. The Board also gave less weight to three of the comparables submitted by the board of review due to their distant location when compared to the subject. Moreover, these properties are located in a different township, taxing jurisdiction and school district than the subject. The Property Tax Appeal Board finds the remaining three comparables submitted by both parties to be most similar to the subject in age, size, design and amenities. Two of these comparables are located in the subject's condominium complex. They sold from October 2004 to June 2006 for prices ranging from \$300,000 to \$350,000 or from \$132.39 to \$182.29 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$275,629 or \$148.03 per square foot of living area including land. Logically considering the upgrades for comparables 1 and 2, the Board finds the subject's assessment reflects an estimated market value less than the three most similar comparables and falls within the range established of the most similar sales on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, such as the features and upgrades, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is well supported. Therefore, the Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: October 26, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.