

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: William and Vicki Laird  
DOCKET NO.: 05-01794.001-R-1  
PARCEL NO.: 08-21-301-011

The parties of record before the Property Tax Appeal Board are William and Vicki Laird, the appellants, and the Woodford County Board of Review.

The subject property consists of a two-story dwelling of brick, frame and vinyl exterior construction that was built in 1996 and contains 2,700 square feet of living area. The property features three and one-half bathrooms, central air conditioning, two fireplaces, a full partially finished basement, and a 704 square foot three car attached garage. The subject property is located in Coventry Farm Subdivision, Woodford County, Illinois.

The appellant, William Laird, appeared before the Property Tax Appeal Board claiming the subject property was inequitably assessed and overvalued. The subject's land assessment was not contested. In support of these claims, the appellants submitted a partial assessment analysis of five suggested comparables, property record cards and a letter outlining the arguments. One assessment comparable is located approximately one block from the subject within its subdivision while four comparables are located one to three miles from the subject. The appellant argued the comparables are located in the same geographic area; are the same model type; share the same school districts; are similar to the subject in age, design, floor plan, exterior construction, and quality; and were built by the same builder.

The comparables consist of two-story dwellings of frame and vinyl or brick, frame and vinyl exterior construction that were built from 1994 to 2001. Each comparable has a three car attached garage. The appellants did not disclose the comparables sizes or amenities such as finished or unfinished basements, central air conditioning, or fireplaces for comparison to the subject. The comparables have land assessments ranging from \$8,580 to \$18,570 or an average of \$13,408; improvement assessments ranging from \$70,530 to \$87,240 or an average of \$80,360; and total assessments ranging from \$79,110 to \$99,060 or an average of \$93,768.

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Woodford County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	16,630
IMPR.:	\$	90,000
TOTAL:	\$	106,630

Subject only to the State multiplier as applicable.

The appellant argued the subject property's land assessment of \$16,630 is 24% higher than the comparables' average land assessment of \$13,408; the subject property's improvement assessment of \$92,830 is 15.5% higher than the comparables' average improvement assessment of \$80,360; and the subject property's total assessment of \$109,460 is 16.7% higher than the comparables' average total assessment of \$93,768.

The appellant next presented the subject's assessment history from 1998 through 2005, which was \$72,100 in 1998 and steadily increased to \$109,460 in 2004. The appellant argued the subject's assessment increased by 51.8% since 1998 and increased by 24.8% since the 2004 assessment year. The appellant argued the large assessment increase from 2004 to 2005 is out of line with expectation of fairness. In this same context, the appellant argued the actual amount of property taxes paid was \$5,213 in 1998 that increased to \$8,151 in 2005 or a 56.4% increase in seven years. The appellant also argued the subject's property taxes for 2005 dramatically increased by 26.3% from 2004.

The appellant next submitted Multiple Listing Sheets and a limited market analysis detailing three suggested comparable sales located within the subject's subdivision. These suggested comparables range in size from 2,664 to 2,850 square feet of living area and sold from February to September of 2005 for prices ranging from \$285,000 to \$307,600 or from \$100.00 to \$109.31 per square foot of living area including land with average sale price of \$105.38 per square foot of living area including land. The appellant calculated that the subject's assessment reflects an estimated market value of \$328,380 or \$121.62 per square foot of living area including land, which is 15.4% higher than the comparable sales on a per square foot basis. The evidence also revealed the appellant purchased the subject property in July 1998 for \$296,000 or \$109.62 per square foot of living area including land.

Finally, the appellant argued the Coventry Farm Subdivision is not an upscale subdivision as intended by the original developer. Laird testified the original developer died in an airplane crash with no will and the subject's development was tied up in court proceedings. He argued the common area amenities were not completed; covenants were not enforced regarding quality of homes, fences and outbuildings; homeowner association dues increased to cover additional common costs; the roads are not properly maintained; the new developer re-zoned the subdivision allowing for smaller lots causing congestion; and some of the new construction is not comparable in size and quality, reducing overall property values.

Based on the evidence submitted, the appellant argued annual increases in the subject's assessment and taxes are unjustified. Thus, the appellant requested the Property Tax Appeal Board to

reduce the subject's assessment to \$96,990, which reflects an estimated market value of \$290,970.

Under questioning, the appellant opined the comparables located from 1 to 3 miles from the subject are located in the same or similar markets. He did not believe properties located in Coventry Farm Subdivision have higher values than the location of the comparables.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$109,460 was disclosed. The subject's assessment reflects an estimated market value of \$328,610 or \$121.70 per square foot of living area including land using Woodford County's 2005 three-year median level of assessments of 33.21%.

In support of the subject's assessment, the board of review submitted property record cards, photographs, and a spreadsheet detailing six comparables located in close proximity within the subject's subdivision. Comparable 5 is the same property as the appellant's comparable 1. The comparables consist of predominately two-story brick dwellings of vinyl or brick and vinyl exterior construction that were built from 1996 to 2005. The comparables have full basements, one of which is partially finished and another appears to be a walkout basement. Other features include 2.5 or 3.5 bathrooms, central air conditioning, and three-car attached garages ranging in size from 681 to 875 square feet. Five comparables have a fireplace and one comparable has a swimming pool. They dwellings range in size from 2,572 to 3,211 square feet of living area and have improvement assessments ranging from \$86,640 to \$109,960 or from \$29.93 to \$38.44 per square foot of living area. The subject property has an improvement assessment of \$92,830 or \$34.38 per square foot of living area.

The comparables also sold from March 2001 to August 2005 for prices ranging from \$289,900 to \$410,000 or from \$101.84 to \$143.81 per square foot of living area including land. The board of review also argued the appellant requested an assessment less than the subject's 1998 purchase price.

The board of review acknowledged comparable 2 has a swimming pool unlike the subject, but argued market surveys show swimming pools add little value to a particular property's overall market value. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

In rebuttal, the appellant disagreed with the board of review's assertion that swimming pools add little value to a property. The appellant further argued the comparables selected by the board of review are not similar to the subject in terms of multiple roof lines, design and amenities, particularly comparables 1, 2, 3, 4 and 6. The appellant argued board of review comparable 5, which is also his comparable 1, is most

similar to the subject in terms of age design and features. The board of review agreed this comparable is very similar to the subject, but is slightly smaller and slightly newer. It has an improvement assessment of \$87,190 or \$33.90 per square foot of living area. After reviewing the photographs of the suggested comparables, the board of review agreed their comparables 1 and 6 are dissimilar to the subject in design and appeal. The board of review also agreed comparables 3, 4 and 5 were somewhat similar to the subject, but had different roof lines and atrium foyers unlike the subject

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 a slight reduction in the subject property's assessment is warranted.

The appellants argued the subject property was inequitably assessed. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the evidence submitted, the Board finds the appellant has overcome this burden and a reduction is warranted.

First, the Board gave little merit to appellant's argument that the subject's assessment was inequitable and not reflective of market value because of the percentage increases in its assessment from year to year. The Board finds these types of analyses are not an accurate measurement or a persuasive indicator to demonstrate an assessment inequity by clear and convincing evidence or overvaluation by a preponderance of the evidence. The Board finds rising or falling assessments from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed or overvalued. Actual assessments and or open market transactions of properties together with their salient characteristics must be compared and analyzed to determine whether uniformity of assessments exists or if a particular property is overvalued. The Board finds county assessment officials are required by the Property Tax Code to revise and correct real property assessments, annually if necessary, that reflect fair market value, maintain uniformity of assessments, and are fair and just. This may result in many properties having increased or decreased assessments from year to year of varying amounts and percentage rates depending on prevailing market conditions and prior assessments.

The Board further finds the record contains assessment information for ten suggested comparables, one of which was a common comparable used by both parties. The Board gave less weight to three comparables submitted by the appellant due to

their distant location when compared to the subject. Moreover, the appellant failed to complete the descriptive information for the suggested comparables for comparison to the subject with the exception of design, age and garages, which further detracts from this evidence. The Property Tax Appeal Board also gave less weight to comparables 1, 4, and 6 submitted by the board of review due to dissimilarities to the subject in aesthetic appeal, newer age, and/or larger size. The Board further finds three comparables to be more similar to the subject in age, size, style, location, and amenities. However, two comparables have superior amenities not enjoyed by the subject, such as atrium foyers and/or a swimming pool. These two properties have improvement assessments of \$104,900 and \$109,960 or \$37.72 and \$38.44 per square foot of living area. The Board further finds the most similar comparable to the subject in location, age, size, design and features was a common property submitted by both parties. This property is slightly smaller, but is newer than the subject. According to the appellant, this comparable is the same model type, has a similar floor plan, and was constructed by the same builder as the subject. It has an improvement assessment \$87,190 or \$33.90 per square of living area. The subject property has an improvement assessment of \$92,830 or \$34.38 per square foot of living area. After considering adjustments to these most similar comparables for differences when compared to the subject, such as age, size, and amenities, the Board finds a slight reduction in the subject's improvement assessment is justified.

The appellant's evidence and testimony also implies the subject property is 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 has not overcome this burden. After reviewing the market data evidence offered by both parties and considering the assessment reduction granted based on the principals uniformity, the Property Tax Appeal Board finds no further reduction in the subject's assessed valuation is supported.

In conclusion, the Board finds the appellant has demonstrated a lack of uniformity in the subject's improvement assessment by clear and convincing evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a 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



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: August 29, 2008



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.