



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Roy Johnson
DOCKET NO.: 06-00732.001-R-1
PARCEL NO.: GRTL 3200

The parties of record before the Property Tax Appeal Board are Roy Johnson, the appellant, by attorney Roy Wilcox in Danville, and the Vermilion County Board of Review.

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 Vermilion County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$5,588
IMPR.: \$44,412
TOTAL: \$50,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 27,000 square foot parcel improved with a three year-old, one-story style brick dwelling that contains 2,049 square feet of living area. Features of the home include central air conditioning, a partial unfinished basement, a three-car attached garage and a fireplace. The subject is located in Hoopeston, Grant Township, Vermilion County.

With his attorney, the appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property performed by Mickey Duckett, whose qualifications indicate he is an auctioneer/broker, but not a licensed appraiser. Duckett, who estimated the subject's market value at \$45,655 as of July 17, 2004, was not present at the hearing to provide testimony or be cross-examined regarding preparation of the report. He did not perform a cost approach,

but described the subject property and then listed several pages of purported deficiencies in the subject dwelling's materials used and/or construction quality. He did not indicate a site value for the subject based on any sales data, nor did he cite any recognized cost manual he utilized, nor did he include any depreciation calculations in his report to determine replacement cost of the subject dwelling. Duckett's report indicated an "appraisal fair market value" for the subject of \$255,500. He then subtracted \$209,844.98 from this figure to allow for "construction corrections", leaving a "current value" of \$45,655.02. The appraiser noted he "is using estimates provided to him through another source for the purpose of estimating construction costs to correct the construction inadequacies." The appellant's evidence also include numerous cost estimates from various contractors to correct the purported deficiencies that appeared to equal the total of the construction corrections. These deficiencies range from breaking out the entire basement floor and re-pouring it, replacing all main level floors, replacing all kitchen cabinets and countertop, re-hanging all interior and exterior doors, etc. Neither the appraiser nor the appellant submitted any credible market evidence to demonstrate the cost to cure the purported deficiencies was equal to a loss in the subject's market value commensurate with the repair or replacement estimates.

Regarding the sales comparison approach, the appellant's appraiser included in his report multiple listing sheets for three comparable properties that sold between March 2001 and December 2003 for prices ranging from \$224,000 to \$267,500. The appraiser performed no analysis of these comparables, nor did he make adjustments to their sales prices for differences when compared to the subject. Finally, the appraiser included no estimate of the subject's market value based on a sales comparison approach. Based on this evidence, the appellant requested the subject's assessment be reduced to \$15,218.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$50,000 was disclosed. The subject has an estimated market value of \$156,740 or \$76.50 per square foot of living area including land, as reflected by its assessment and Vermilion County's 2006 three-year median level of assessments of 31.90%.

In support of the subject's estimated market value, the board of review submitted an appraisal of the subject property performed by licensed general real estate appraiser C. James Hegg. This appraiser was likewise not present at the hearing to provide testimony or be cross-examined regarding preparation of his report. Hegg used the cost and sales comparison approaches in estimating the subject's market value at \$210,000 as of January 1, 2006. In the cost approach, Hegg estimated the subject's site value at \$15,000. He consulted the Marshall & Swift Residential Cost Analysis Handbook to determine replacement cost of the

subject's improvements at \$221,918, from which depreciation of \$18,641 was subtracted, generating in a depreciated cost of improvements of \$203,277. Site improvements of \$3,000, when added to the site value and depreciated cost of improvements, resulted in an indicated value for the subject by the cost approach of \$221,277.

In the sales comparison approach, Hegg examined six sales of comparable properties located 0.16 to 16.94 miles from the subject. The comparables consist of four, ranch style dwellings, one, two-story dwelling and one, one and one-half-story dwelling. These properties feature brick, brick and frame, or frame exterior construction of, range in age from one to ten years and range in size from 1,820 to 3,000 square feet of living area. Amenities include central air conditioning, one-car to three-car garages and a carport and various decks or patios. Four comparables have full or partial basements with one to three finished rooms and four have a fireplace. The comparables sold between April and December 2005 for prices ranging from \$176,000 to \$264,500 or from \$86.19 to \$120.33 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject, such as site size, construction quality, condition, room count, living area, foundation and basement finish, garage size and other features. In his notes, the appraiser indicated he adjusted the comparables for the subject's miss-aligned doors in the sales comparison approach. After adjustments, the comparables had adjusted sales prices ranging from \$189,400 to \$222,700 or from \$74.23 to \$116.59 per square foot of living area including land. Hegg relied most heavily on the sales comparison approach "due to its reliability." Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The Board finds neither party's appraiser was present at the hearing to provide testimony or be cross-examined. The Board gave little weight to the appellant's appraisal because Duckett performed no cost approach that included a site value estimate or a replacement cost calculation less depreciation. He relied on his visual inspection of the premises and "estimates provided to him through another source for the purpose of estimating construction costs to correct the construction inadequacies." It

appears this other source was the various contractors who provided estimates to repair or replace numerous components of the subject dwelling that were deemed defective, inadequate, improperly installed, or damaged. Neither Duckett nor the appellant submitted any credible market evidence that the cost to cure the purported deficiencies equaled loss in value. The Board gave little weight to Duckett's comparable sales because he performed no analysis of the comparables to determine their levels of comparability to the subject. Further, the comparables sold in 2001 or 2003 and cannot be relied on to accurately indicate a value for the subject as of its January 1, 2006 assessment date. Finally, the Board finds the appellant's appraisal's July 17, 2004 effective date is not indicative of the subject's market value as of its assessment date.

The Board finds that Hegg's appraisal report was prepared in a typical format, appeared complete and was well supported. Hegg indicated a site value for the subject of \$15,000 and consulted a nationally recognized cost manual to estimate the subject's replacement cost. In his sales comparison approach, Hegg analyzed six comparables, adjusting their sales prices for differences when compared to the subject. Since Hegg was not present at the hearing, the Property Tax Appeal Board will analyze the individual comparables' raw sales prices in his report. The Board gave less weight to comparables 4 and 5 because they were significantly larger in living area when compared to the subject. The Board also gave less weight to Hegg's comparable 6 because its one and one-half-story design differed from the subject's one-story design. The Board finds the remaining comparables sold for prices ranging from \$94.63 to \$120.33 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$76.50 per square foot of living area including land falls well below the most similar comparables in the record. Based on this analysis the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Property Tax Appeal Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment is correct 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

K. L. Ferr

Frank A. Huff

Member

Member

Mario Morris

Shawn P. Lerbis

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: April 23, 2010

Allen Castrovillari

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.