

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Stephen B. Schultz
DOCKET NO.: 06-02501.001-C-1
PARCEL NO.: 09-12-13-378-014

The parties of record before the Property Tax Appeal Board are Stephen B. Schultz, the appellant, and the Stephenson County Board of Review.

The subject property consists of a 2.96 acre site improved with a 5,160 square foot metal building that was built in 1974. The subject property is used as an automobile repair business. The subject property is located in Erin Township, Stephenson County.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this contention, the appellant submitted documentation from the Illinois Department of Transportation (IDOT) stating the Division of Highways proposed to improve Illinois State Route 20. In order for construction, IDOT required the acquisition of .115 of an acre or 5,009 square feet of land area from the subject parcel. The documentation further revealed IDOT purchased the .115 of an acre for \$725 or approximately \$6,300 per acre in July 2005. Based on this sale price, the appellant calculated the remaining land portion of the parcel should be valued at approximately \$18,200. The appellant also requested a reduction in the subject's improvement assessment, but submitted no evidence in support of this claim. (See Section 1910.65(c) in the Official Rules of the Property Tax Appeal Board). At the hearing, the appellant testified the improvement assessment reduction request was based upon the subject building having uneven floors, which limits work space. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$27,459 was disclosed. The subject's assessment reflects an estimated market value of \$82,833 or \$16.05 per square foot of building area including land using Stephenson County's 2006 three-year median level of assessments of 33.15%.

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

LAND:	\$	15,000
IMPR.:	\$	12,459
TOTAL:	\$	27,459

Subject only to the State multiplier as applicable.

In support of the subject's assessment, the board of review submitted a packet of information that contains a letter addressing the appeal, property record cards, photographs, location maps, a market analysis of seven improved comparables and eight suggested comparable land sales.

With respect to the evidence submitted by the appellants, the board of review argued there was no supporting evidence or corroborating testimony demonstrating how the \$725 acquisition price from IDOT for the .115 of an acre was calculated.

The improved comparables submitted by the board of review are wood frame or metal commercial buildings that were built from 1945 to 1988. The buildings range in size from 1,344 to 9,045 square feet of building area that are situated on lots ranging in size from .236 of an acre to 10 acres. The comparables are located from 600 feet to 10.49 miles from the subject. They sold from August 2002 to December 2006 for prices for prices ranging from \$69,400 to \$280,000 or from \$12.57 to \$52.08 per square foot of building area including land.

To demonstrate the subject's land assessment was reflective of its fair market value and to refute the value of the IDOT acquisition for the small portion of the subject parcel, the board of review submitted an analysis of eight suggested land sales. The comparables are located from approximately 4 to 10 miles from the subject. They range in size from 1.40 to 12.68 acres or from 60,984 to 552,341 square feet of land area. They sold from July 2003 to December 2006 for prices ranging from \$18,000 to \$126,000 or from \$.16 to \$.62 per square foot of land area. The subject property has a land assessment of \$15,000, which reflects an estimated market value board of approximately \$45,000 or \$.35 per square foot of land. Based on the evidence submitted, the board of review requested the Property Tax Appeal Board confirm the subject's assessment.

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 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.

The Property Tax Appeal Board finds the board of review submitted seven suggested comparable sales in support of the subject's assessment. The Board gave less weight to four of the comparable sales. Comparable 1 is a considerably larger building than the subject. Comparable 2 is newer in age and contains substantially

more land area than the subject. Comparable 4 is smaller in building and land area when compared to the subject. Comparable 6 sold in 2002, which is considered less indicative of the subject's fair market value as of the January 1, 2006, assessment date at issue in this appeal.

The Property Tax Appeal Board finds the three remaining comparable sales were most representative of the subject in age, size, location and land area. They sold from June 2004 to April 2005 for prices ranging from \$69,400 to \$95,000 or from \$12.57 to \$22.42 per square foot of building area including land. The subject's assessment reflects an estimated market value of \$82,833 or \$16.05 per square foot of building area including land, which falls at the lower end of the range established by the most similar comparable sales contained in this record. After considering adjustments to these comparables for any differences when compared to the subject, the Board finds the subject's assessed valuation is supported.

The Property Tax Appeal Board further finds the appellant failed to demonstrate the subject's land assessment was not reflective of its fair cash value. The Property Tax Appeal Board finds the board of review submitted eight suggested land sales to support the subject's land assessment. The Board gave less weight to four of the suggested comparables. Two comparables are considerably larger in size than the subject and two other comparables sold in 2003, which the Board finds less indicative of the subject's land value as of the January 1, 2006, assessment date at issue in this appeal. The Property Tax Appeal Board finds the four remaining land sales were most representative of the subject in size and location. These properties range in size from 1.40 to 4.69 acres and sold from May 2004 to December 2006 for prices ranging from \$18,000 to \$126,000 or from \$.23 to \$.62 per square foot of land area. The subject's land assessment reflects an estimated market value of approximately \$45,000 or \$.35 per square foot of land, which is supported by the most similar land sales contained in this record. As a final point, the Board gave little weight to the acquisition cost for the .115 of acre from the subject parcel by IDOT in 2005. The Board finds there was no supporting evidence or corroborating testimony demonstrating how the \$725 acquisition price was calculated. Thus, the Board finds the acquisition cost by IDOT is not a persuasive indicator of value for the subject property, as demonstrated by the similar comparable sales submitted by the board of review. Based on this analysis, the Property Tax Appeal finds no reduction in the subject's assessment 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.



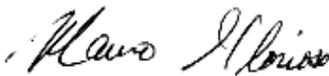
Chairman



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: December 19, 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.