

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Mark and Michelle Sturtewagen
DOCKET NO.: 06-02509.001-R-1
PARCEL NO.: 18-18-02-326-004

The parties of record before the Property Tax Appeal Board are Mark and Michelle Sturtewagen, the appellants, and the Stephenson County Board of Review.

The subject property consists of a two-story frame dwelling containing 3,198 square feet of living area that was built in 1993. The dwelling has a 1,952 square foot walkout basement, of which 1,025 square feet is finished. The subject dwelling features central air conditioning, two fireplaces and an 896 square foot three-car garage. The dwelling is situated on a 135,472 square foot lot in Freeport Township, Stephenson County.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this contention, the appellants submitted a spreadsheet detailing three suggested comparable sales that are improved with dwellings. Although the appellants did not contest the subject's land assessment, one vacant land sale was also submitted. The improved comparables are located in relative close proximity to the subject.

The improved comparables consist of a one-story style dwelling and two, two-story style dwellings of frame or brick and frame exterior construction that were built from 1994 to 1996. The comparables have basements that contain from 1,584 to 2,260 square feet with finished areas that contain from 648 to 915 square feet. Comparable 2 has a partial exposed basement and comparable 3 has a walkout basement. The dwellings range in size from 2,260 to 4,537 square feet of living area and are situated on lots ranging in size from 48,515 to 97,138 square feet of land area. The comparables sold for prices ranging from \$219,000 to \$293,000 or from \$63.26 to \$96.90 per square foot of living area. The transactions occurred from October 2005 to December 2006. The appellant noted comparables 1 and 2 sold for considerably less than the estimated market values as reflected by their

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

LAND:	\$	26,297
IMPR.:	\$	83,703
TOTAL:	\$	110,000

Subject only to the State multiplier as applicable.

assessments. Based on this evidence, the appellants 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 \$124,967 was disclosed. The subject's assessment reflects an estimated market value of \$376,974 or \$117.88 per square foot of living area including land using Stephenson County's 2006 three-year median level of assessments of 33.15%. After reviewing the appellants' evidence and based on the recommendation of the Freeport Township Assessor, the board of review offered to reduce the subject's assessment to \$119,318. The appellants rejected the proposal noting the subject's assessment was reduced to \$113,606 for the 2007 assessment year.

In support of the subject's assessment, the board of review submitted a packet of information prepared by the township assessor. The packet contains a letter addressing the appeal, property record cards, photographs, 12 suggested comparable land sales, nine suggested improved comparable sales, and a location map. Three of the improved comparables were also utilized by the appellants.

With respect to the evidence submitted by the appellants, the board of review argued comparables 1 and 3 were in less than average condition at the time of sale due to deferred maintenance, which is not typical for the area. In addition, the board of review noted comparable 3 is a one-story dwelling unlike the subject. The board of review argued comparables 1 and 2 had initial listing prices that were too high at \$332,000 and \$439,000, respectively, and were overexposed to the market for one year and two and one-half years. Thus, the board for review argued these properties sold at discounted sale prices.

The comparables submitted by the board of review consist of a one and one-half story dwelling; two, two-story dwellings; and three, one-story dwellings that were built from 1954 to 2004. The comparables have basements that contain from 614 to 2,768 square feet. Eight comparables have finished basements ranging in size from 228 to 1,852 square feet. Two comparables have partial exposed basements and five comparables have walkout basements. The comparables have one to three car garages; central air conditioning; and eight comparables have one or two fireplaces. The dwellings range in size from 2,179 to 4,537 square feet of living area and are situated on lots ranging in size from 41,832 to 196,891 square feet of land area. They sold for prices ranging from \$219,000 to \$447,000 or from \$63.26 to \$157.62 per square foot of living area including land. These transactions occurred from August 2004 to August 2007. Based on this evidence, the board of review requested the Property Tax Appeal Board reduce the subject's assessment no lower than the amount of \$119,318, which reflects an estimated market value of approximately \$357,954 or \$111.93 per square foot of living area including land.

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 reduction in the subject property's assessment is warranted.

The appellants 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 appellants have overcome this burden.

The Property Tax Appeal Board finds the parties submitted nine suggested comparable sales for consideration. The Board gave less weight to seven of the comparable sales submitted by the parties for multiple reasons. Four comparables are smaller or larger in size when comparables; three comparable are newer or older when compared to the subject; four comparables are of a dissimilar design when compared to the subject; and one comparable sold in 2004, 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 two remaining comparable sales were most representative of the subject in age, size, design, location and features. They both sold in October 2006 for prices of \$293,000 and \$319,000 or \$88.12 and \$98.67 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$376,974 or \$117.88 per square foot of living area including land, which is higher than the most similar comparable sales contained in this record. After considering adjustments to these comparables for any differences when compared to the subject, such as age, features and land area, the Board finds the subject's assessed valuation is excessive. Based on this analysis, the Property Tax Appeal finds a reduction in the subject's assessment is justified.

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.

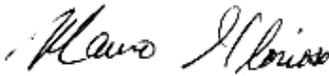


Chairman



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.