

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: John Zajicek
DOCKET NO.: 06-02510.001-R-1
PARCEL NO.: 18-18-02-326-002

The parties of record before the Property Tax Appeal Board are John Zajicek, the appellant, and the Stephenson County Board of Review.

The subject property consists of a two-story brick and frame dwelling containing 2,965 square feet of living area that was built in 1997. The dwelling features a 2,114 square foot walkout basement, of which 1,585 square feet is finished. Other features include central air conditioning, two fireplaces and an 860 square foot attached three-car garage. The dwelling is situated on a 2.11 acre site in Freeport Township, Stephenson County.

The appellant appeared before the Property Tax Appeal Board claiming both overvaluation and assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of these contentions, the appellant submitted a spreadsheet detailing three suggested comparables located in close proximity to the subject. The comparables consist of a one-story style dwelling and two, two-story style dwellings of frame and brick or cedar exterior construction that were built from 1994 to 1997. The comparables have partially finished basements ranging in size from 915 to 1,695 square feet. Comparable 2 has a partial exposed basement and comparable 3 has a walkout basement. Other features include central air conditioning, one or two fireplaces, and two or three car garages. 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 1.11 to 2.23 acres. 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 including land. The transactions occurred from September 2005 to December 2006. These same comparables have improvement assessments ranging from \$55,875 to \$108,855 or from \$23.99 to \$29.25 per square foot of living area.

The appellant also offered an additional assessment comparable located approximately 1.5 miles from the subject. It is a two-

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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:	\$	25,361
IMPR.:	\$	88,299
TOTAL:	\$	113,660

Subject only to the State multiplier as applicable.

story brick and frame dwelling that were built in 1996. The dwelling has a partially finished basement, central air conditioning, a fireplace, and a three-car garage. The dwelling contains 2,916 square feet of living area and has an improvement assessment of \$64,346 or \$22.07 per square foot of living area. The subject property has an improvement assessment of \$100,304 or \$33.40 per square foot of living area. 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 \$125,665 was disclosed. The subject's assessment reflects an estimated market value of \$377,940 or \$127.47 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 appellant's evidence and based on the recommendation of the Freeport Township Assessor, the board of review offered to reduce the subject's assessment to \$121,992. The appellant rejected the proposal.

In support of the subject's assessment, the board of review submitted a voluminous packet of information prepared by the township assessor. The packet contains, in part, a letter addressing the appeal, property record cards, photographs, nineteen comparable sales or offerings, an assessment analysis of twelve suggested equity comparables and a location map. Three of the comparables were also utilized by the appellant.

With respect to the evidence submitted by the appellant, 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 board of review also argued assessment comparable 4 submitted by the appellant, which is similar in physical characteristics when compared to the subject, is situated in an inferior location when compared to the subject as demonstrated by its original sale price. Assessment comparable 4 originally sold for \$208,000 in August 1997 whereas the subject property sold for \$251,000 in November 1997. In addition, the appellant purchased the subject property in May 1999 for \$359,000.

The market evidence submitted by the board of review consists of nineteen suggested comparables. They consist of five, one-story dwellings; five, one and one-half story dwellings; and nine, two-story dwellings that were built from 1929 to 2006. Eighteen comparables have full or partial basements, of which 16 comparables contain from 228 to 1,852 square feet of finished area. Thirteen comparables have partial exposed basements or walkout basements. All the comparables have central air

conditioning; eighteen comparables have one or two fireplace; and all the comparables have 1, 2 or 3 car garages. The dwellings range in size from 2,011 to 4,837 square feet of living area and are situated on lots ranging in size from 41,832 to 261,360 square feet of land area. Fourteen comparables 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 June 2004 to November 2007. Four comparables were listed for sale in the open market for prices ranging from \$420,000 to \$850,000.

Four of the comparables sold twice in a relatively short span of time. Their first sales occurred from June 2004 to October 2006 for sale prices ranging from \$277,000 to \$332,000 or from \$99.85 to \$142.31 per square foot of living area including land. They re-sold from April 2006 to November 2007 for sale prices ranging from \$265,000 to \$330,000 or from \$88.12 to \$141.45 per square foot of living area including land, which is less than their first sale prices giving an indication of market depreciation for homes of this style and size.

To demonstrate the subject property was uniformly assessed, the board of review summated an assessment analysis of twelve suggested comparables, including the three comparables submitted by the appellant. The comparables consist of three, one-story style dwellings and nine, two-story style dwellings of unknown exterior construction that were built from 1994 to 2004. The comparables have full or partial basements. Nine comparables have finished basements ranging in size from 648 to 1,876 square feet. Eight comparables have walkout basements. Other features include central air conditioning, one to three fireplaces, and two or three car garages. The dwellings range in size from 2,179 to 4,537 square feet of living area and have improvement assessments ranging from \$55,875 to \$114,546 or from \$15.69 to \$38.03 per square foot of living area. The subject property has an improvement assessment of \$100,034 or \$33.83 per square foot of living area.

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 \$121,992, which reflects an estimated market value of approximately \$365,976 or \$123.43 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 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 overcome this burden.

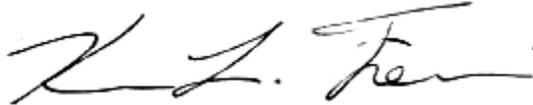
The Property Tax Appeal Board finds the parties submitted nineteen suggested market comparables for consideration. The Board gave less weight to twelve of the comparables submitted by the parties for multiple reasons. Four properties were sale offerings. The Board recognizes that sale listings or offerings can be probative market derived evidence for comparison valuation purposes. However, the Board finds this record contains credible market transactions that better reflect the actions of buyers and seller in the marketplace. Thus, actual sales of comparable properties will be given more natural weight in the Board's final analysis. The Board further finds 10 comparables are dissimilar in design when compared to the subject; 13 comparables are dissimilar in size when compared to the subject; and nine comparable are dissimilar in age when compared to the subject.

The Property Tax Appeal Board finds the remaining four comparables sales were most representative of the subject in age, size, design, location and features. These properties consist of two-story dwellings; built from 1988 to 1997; ranges in size from 2,789 to 3,328 square feet of living area with features of vary degrees of similarity when compared to the subject. They sold from August 2004 to November 2007 for prices ranging from \$271,000 to \$359,000 or from \$88.12 and \$114.26 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$377,940 or \$127.47 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, size, 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.

The appellant also 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. The Property Tax Appeal Board finds that after considering the assessment reduction based upon market value principals, the subject property is uniformly assessed and no further 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.

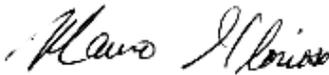
Chairman



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: April 24, 2009



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.