



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

APPELLANT: James Vitale
DOCKET NO.: 06-02538.001-R-1 through 06-02538.004-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are James Vitale, the appellant, by attorney Curtis R. Tobin II, of Tobin & Ramon in Belvidere; and the Boone County Board of Review.

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

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
06-02538.001-R-1	05-08-200-019	24,938	0	\$24,938
06-02538.002-R-1	05-08-200-006	2,333	0	\$2,333
06-02538.003-R-1	05-09-151-001	31,893	176,322	\$208,215
06-02538.004-R-1	05-09-151-006	8,100	0	\$8,100

Subject only to the State multiplier as applicable.

ANALYSIS

Prior to the hearing the appellant, through counsel, requested leave to withdraw appeals for parcels 05-08-200-019, 05-08-200-006 and 05-09-151-006. The board of review having no objection, the Property Tax Appeal Board allows the appellant's leave to withdraw the aforementioned parcels under appeal. Therefore the only parcel which is the subject matter under appeal herein is parcel 05-09-151-001.

The subject property consists of approximately 4.46 acres improved with a two-story style brick and stone dwelling that is 15 years old and contains 5,743 square feet of living area.¹ Features of the home include central air-conditioning, four fireplaces, a three-car garage, an in-ground pool and a partial, unfinished basement, consisting of 3,193 square feet.

¹ The property record card depicts the subject containing 5,664 square feet of living area.

The appellant, with counsel, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property with an effective date of January 1, 2006.² The appraiser used the sales comparison approach in estimating a value for the subject of \$630,000.

The appraiser, Parker D. Moyer, was called as a witness in support of the appraisal. He is a State of Illinois licensed appraiser and has completed the requirements to become a certified real estate appraiser. His practice is limited to appraising residential real estate. He has appraised over 900± residential properties over a 30-year period.

The appraiser testified that based on the subject's building plans and outside measurements he found the subject contained 5,743 square feet of living area. The appraiser developed the sales comparison approach using four comparable sales. The comparables are located from 0.90 miles to 2.30 miles from the subject. The comparables are situated on lots ranging in size from 0.91-acres to 2.75-acres and are improved with two-story style brick, brick and frame or brick and stone dwellings that ranged in age from 3 to 28 years old and ranged in size from 3,168 to 5,831 square feet of living area. Features of the comparables include central air-conditioning, two or three fireplaces, four or five-car garages and full basements, three of which have some finished area. One comparable has a pool, similar to the subject. The comparables sold from July 2004 to June 2005 for prices ranging from \$525,000 to \$775,000 or from \$99.30 to \$189.39 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as personal property included in sale, site, age, size, basement, garage, fireplaces and pools. After making these adjustments, the comparables had adjusted sales prices ranging from \$564,000 to \$696,000 or from \$96.73 to \$198.24 per square foot of living area, including land. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$630,000. 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 total assessment of \$285,305 was disclosed. The subject has an estimated market value of \$863,253 or \$150.32 per square foot of living area including land, as

² The appellant initially filed an appraisal with an estimated value of \$640,000 as of January 1, 2007 and filed rebuttal evidence consisting of a January 1, 2006 appraisal with an estimated value for the subject of \$630,000. At hearing both parties requested the PTAB use the January 1, 2006 appraisal for the taking of testimony and evidence at hearing. However, the board of review continued its objection to the estimated final opinion of value.

reflected by its assessment and Boone County's 2006 three-year median level of assessments of 33.05%.³

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of six comparable sales along with the subject's property record card. The comparables are located from 1.69 miles to 3.55 miles from the subject. The comparables consist of two-story brick or brick and stucco dwellings that were built between 1978 and 2000 and range in size from 3,395 to 4,998 square feet of living area. The comparables were situated on lots ranging from 39,639 to 365,468 square feet of land area, with the subject depicted as having 194,277 square feet of land area. Features of the comparables include central air-conditioning, 1, 2 or 3 fireplaces, garages ranging from 765 to 1,448 square feet of building area, full or partial basements with three having some finished basement area. One comparable has a pool. The comparables sold between April 2004 and October 2005 for prices ranging from \$525,000 to \$810,100 or from \$113.45 to \$240.00 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be reduced to \$263,509 which equates to a market value of \$790,527 or \$139.57 per square foot of living area, including land. The appellant rejected this proposed 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 Board further finds a reduction in the subject property's assessment is warranted. 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.2nd 1256 (2nd Dist. 2000). The Board finds the appellant has met this burden.

The Board initially finds the best evidence of the subject's size is the appraisal submitted by the appellant. The appraiser testified he determined the size by using the subject's building plans and outside measurements. Therefore, for purposes of this analysis, the Board finds the subject contains 5,743 square feet of living area.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$630,000 as of January 1, 2006, which is the subject's assessment date. The board of review submitted six comparable sales that sold for prices ranging from \$113.45 to \$240.00 per square foot of living area including land. However, no adjustments were made for differences in site size, exterior construction, improvement size and/or date of sale. The Board finds the appraiser's testimony was credible and he used a

³ Based on the subject containing 5,664 square feet of living area as depicted on the subject's property record card.

logical and proper adjustment process to account for differences of the four comparables in the appraisal when compared to the subject. The board of review employed no such adjustment process in regards to its comparables. The Board finds the best evidence of the subject's market value is found in the version of the subject's appraisal with an effective date of January 1, 2006 as submitted by the appellant. Therefore, the Board finds the subject's market value as of the subject's assessment date of January 1, 2006 is \$630,000.

In conclusion, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted. Since fair market value has been established, the 2006 three-year weighted average median level of assessments for Boone County of 33.05% shall apply.

Based on appellant's request for leave to withdraw appeals previously discussed, the Board finds no change is appropriate in the assessments for parcels 05-08-200-019, 05-08-200-006 and 05-09-151-006.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn P. Lerbis

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: June 18, 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.