



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

APPELLANT: Randy Forrest
DOCKET NO.: 06-02647.001-R-1
PARCEL NO.: 06-206-015-00

The parties of record before the Property Tax Appeal Board are Randy Forrest, the appellant(s); and the Jo Daviess 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 Jo Daviess County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 17,333
IMPR.: \$ 141,029
TOTAL: \$ 158,362

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame dwelling containing 2,059 square feet of living area that was built in 2005.¹ Amenities include three and one-half baths, a whirlpool, a partial, finished walkout basement, central air conditioning, two fireplaces and a two-car attached garage. The evidence depicts the subject's new construction was assessed on a pro-rated basis for the 2006 assessment year. The subject is located in East Galena Township, Galena, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. The subject's land assessment was not contested. In support of the overvaluation claim, the appellant submitted a sworn contractor's statement detailing the actual cost to construct the subject dwelling. The documentation indicates the dwelling's

¹ Appellant described the dwelling as containing 3,397 square feet of living area.

construction cost was \$322,049. Although the subject's land assessment was not disputed, the appeal petition revealed the subject's 0.96-acre site was purchased in February 2005 for \$52,000. Therefore, the total cost to acquire the land and construct the subject dwelling was \$374,049.

The appellant also submitted a grid analysis of three comparable properties. They consist of one-story or two-story frame dwellings built in 2002 or 2006. Each comparable has a finished basement, central air-conditioning, two fireplaces and garages ranging from 552 to 900 square feet of building area. The comparables are situated on lots ranging from 0.71-acre to 1.032 acres. The comparables are described as ranging in size from 3,474 to 5,080 square feet of living area.² Sales information regarding comparable #1 depicts a sale price of \$384,000 or \$110.54 per square foot of living area in May 2006. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$158,362 was disclosed.³ The board of review representative testified that the subject was assessed at 85% of full market value on January 1, 2006 and at 100% of full market value on August 1, 2006. The subject has a land assessment of \$17,333 and a pro-rated improvement assessment for seven months of 2006 of \$141,029. Converting the subject's improvement assessment to a full year results in an improvement assessment of \$153,948. Thus, the subject's converted improvement assessment for a full year and its land assessment total \$171,281. This assessment reflects an estimated market value of \$519,348 or \$252.23 per square of living area, including land, using Jo Daviess County's 2006 three-year median level of assessments of 32.98%.

To demonstrate the subject's assessment is reflective of fair market value, the board of review provided sales information on eight suggested comparable properties located in Galena Territory.⁴ The sales comparables consist of one-story frame dwellings that were built in 2004 or 2005. Each comparable sale has a finished basement, central air conditioning, at least one fireplace and a garage containing from 506 to 778 square feet. The dwellings range in size from 1,378 to 2,295 square feet of living area and are situated on lots that range in size from 0.71-acre to 1.140-acres. They sold from September 2004 to August 2006 for prices ranging from \$344,600 to \$634,451 or from

² During the hearing it was disclosed the appellant included the basement area square footage as part of the total living area.

³ The board of review's notes on appeal incorrectly depicts a total assessment for the subject of \$175,254.

⁴ The board of review also submitted ten equity comparables.

\$221.32 to \$322.88 per square foot of living area, including land.

The board of review did not refute the construction costs submitted by the appellant. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record 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 not warranted.

The appellant argued the subject dwelling is overvalued based on construction cost. 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). After an analysis of the evidence, the Board finds the appellant has not met this burden.

The Property Tax Appeal Board finds the best evidence of the subject property's fair market value is the comparable sales submitted by the board of review. The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989).

The board of review submitted eight suggested comparable properties located in the subject's immediate market area. The Board gave less weight to the appellant's sale comparable and the board of review's sales comparables #7, #13 and #18 because they were dissimilar to the subject in size or the date of sale was too remote in time to aid the Board in determining the subject's fair market value in 2006. The remaining sales comparables sold from November 2005 to August 2006 for prices ranging from \$344,600 to \$634,451 or from \$221.32 to \$322.88 per square foot of living area, including land.

The subject's land and converted improvement assessments total \$171,281, which reflects an estimated market value of \$519,281 or \$252.23 per square foot of living area, including land. The Board finds the subject's estimated market value is at the lower end and within the range established by the most similar comparables contained in this record. The Board considered the subject's cost to build, however, the Board finds the appellant's cost to acquire the land and construct the dwelling in the amount of \$374,049 or \$188.67 per square foot of living area, including land, does not accurately reflect the actions of the market within the subject's immediate locale, that being Galena Territory.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970).

The Board finds the comparable sales contained in this record best reflect the subject's fair cash value upon which the subject's assessment is properly based. The appellant has failed to demonstrate with substantive evidence or market derived data that the subject's cost to build is equivalent to the subject's fair cash value.

Based on this analysis, the Property Tax Appeal Board finds the appellant has not demonstrated overvaluation by a preponderance of the evidence in this record. Thus, the Board finds the subject's assessment as established by the board of review is correct and a reduction is not 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: February 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.