



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

APPELLANT: Richard and Maureen Wilke  
DOCKET NO.: 06-02648.001-R-1  
PARCEL NO.: 18-001-059-00

The parties of record before the Property Tax Appeal Board are Richard and Maureen Wilke, 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 a reduction 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:** \$25,000  
**IMPR.:** \$48,654  
**TOTAL:** \$73,654

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of an 18,972 square foot parcel improved with a 1,764 square foot part one-story and part two-story frame residence constructed in 2005. Features of the home include a full unfinished basement, central air conditioning, one fireplace, a deck and patio.

Appellant, Maureen Wilke, appeared on behalf of the appellants before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of January 1, 2006. The appraiser used the cost and sales comparison approaches in estimating a value for the subject of \$204,000.

In the cost approach, the appraiser determined a land value of \$55,000 based on sales of "lake glimpse lots at Apple Canyon Lake." The appraiser consulted local contractors in estimating a

reproduction cost new of the improvements of \$183,430. The appraiser estimated no depreciation for the subject, leaving a depreciated value of the improvements of \$183,430, to which site improvements of \$2,500 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$240,930.

In the sales comparison approach, the appraiser examined four comparable properties. The comparables consist of two-story Cape Cod style dwellings that were between 4 and 30 years of age and ranged in size from 1,040 to 1,800 square feet of living area. The exterior construction of each comparable was not disclosed. The homes were situated on sites ranging from 13,825 to 30,642 square feet of land area with two having a rural wooded view and two having a distant lake view. Three of the comparables had central air-conditioning; two had a garage; three had a fireplace or woodstove, each had a porch, deck; and each had a basement with three comparables having some finished basement area. Three of the homes had an Association dock. The comparables sold from March 2005 to October 2005 for prices ranging from \$146,000 to \$308,000 or from \$119.29 to \$140.56 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as date of sale, site, view, age, size, basement area, garage, decks and Association dock. After making these adjustments, the comparables had adjusted sales prices ranging from \$186,585 to \$208,650 or from \$115.29 to \$179.41 per square foot of living area, including land. The appraiser concluded a value for the subject by the sales comparison approach of \$204,000.

In his final reconciliation, the appraiser placed less weight on the cost approach due to "the availability of multi-level sales in the market."

The appellants argued the comparables submitted by the appellant's appraiser were more similar to the subject than the board of review's comparables. The appellants argued the subject does not have a lake view. The appellants further argued that the subject received an assessment reduction in 2007 following an appeal at the board of review. The appellants submitted a copy of the 2007 board of review final assessment notice which depicted the subject homesite was reduced from \$35,000 to \$25,000 and the improvement reduced from \$102,842 to \$48,654 for a total 2007 assessment of \$73,654. Based on this evidence, the appellants requested a reduction in the subject's assessment.

During cross examination the board of review questioned the appraiser's adjustments for lot size when the market did not indicate that larger lots were worth more. The board of review argued that the market value of lots within the subject's immediate area was more impacted by location to the private lake and golf course. In addition, the board of review questioned the adjustment for Association docks. The board of review argued the subject is depicted in the appraisal as not having a boat dock,

however, the records depict the subject does have an Association dock. The board of review further questioned the subject's estimated land value of \$55,000 when the record depicts the subject lot was purchased in 2003 for \$79,000. The appraiser was not present to provide direct testimony or subject to cross examination. The board of review acknowledged the subject's assessment was reduced in 2007 to \$73,654, however, the board of review representative testified this amount was subject to a 1.1256 equalization factor.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$90,483 was disclosed. The subject has an estimated market value of approximately \$274,357 or \$155.53 per square foot of living area including land, as reflected by its assessment and Jo Daviess County's 2006 three-year median level of assessments of 32.98%.

In support of the subject's estimated market value, the board of review submitted a summary argument letter, aerial photographs, Real Estate Transfer Declaration sheets and a grid analysis of seven comparables. The board of review's Exhibit B depicts lot values in the subject's immediate area have increased. The board of review argued that the appellant's appraiser was incorrect in estimating the subject's lot value had decreased from its original purchase price of \$79,000 just two years prior to \$55,000. The board of review's Exhibit F depicts three lots that originally sold from March 1998 to May 2004 for prices ranging from \$26,000 to \$62,000. These same lots sold later from June 2005 to February 2006 for prices ranging from \$67,500 to \$163,600. Each subsequent sale was shown as an increase in the purchase price. The board of review presented eight suggested vacant lot sales located in close proximity to the subject. The vacant lots sold from July 2004 to February 2006 for prices ranging from \$67,500 to \$163,600. The board of review further argued that the boat docks are leased by the property owners, are transferable, and enhance the subject's value from \$20,000 to \$40,000 per lot. Portions of various appraisals were submitted in support of this argument as Exhibit C. Exhibit D was introduced to show the appellants have access to the Association dock with a transferable boat dock slip. The board of review also submitted seven comparable sales consisting of one-story or part one-story and part two-story frame dwellings that were built between 1991 and 2003. The dwellings ranged in size from 1,154 to 1,561 square feet of living area. Features of these comparables include central air-conditioning and full basements with four of the homes having some finished basement area. Each comparable has a deck, porch and/or patio; and two have a garage. The comparables sold between April 2004 and September 2006 for prices ranging from \$147,000 to \$400,000 or from \$123.11 to \$321.98 per square foot of living area, including land.

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 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.2<sup>nd</sup> 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellants have met this burden.

The Board finds the appellants submitted an appraisal of the subject property in which the subject's market value was estimated to be \$204,000 as of January 1, 2006. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination regarding his methodology or final value conclusions, therefore, the Board will only consider the raw sales data contained within the appraisal report. The appellant's raw sales data depicts four comparable sales that sold for prices ranging from \$119.29 to \$179.59 per square foot of living area, including land. The Property Tax Appeal Board gave less weight to the appellants' comparables because they are dissimilar to the subject in site, size, basement finish, garage and/or age. The Board also gave less weight to the board of review's sales comparables #2, #4, #5, #6 and #7 because they were dissimilar to the subject in design, size and/or basement finish. In addition, the Board gave less weight to the board of review's comparable #3 because the sale is too remote to determine the subject's market value in 2006 when other more recent sales are available to aid the Board in determining the subject's market value. The Board finds the board of review's comparable #1 is similar to the subject in most respects. This comparable sold for \$205,000 or \$131.33 per square foot of living area, including land. The subject has an estimated market value of \$274,357 or \$155.31 per square foot of living area including land, as reflected by its assessment. The subject's estimated market value on a per square foot basis is above this most representative comparable. The Board finds the subject is slightly superior to this comparable in lot size, age and square footage of living area.

The Board further finds the appellants submitted the subject parcel's assessment change notices for the 2007 assessment year.<sup>1</sup> The initial notice received by the appellants lists the subject's 2006 assessment of \$90,483 and the 2007 assessment of \$120,842. The initial notice also disclosed the assessment was subject to equalization by the board of review, and equalization by the state. The 2007 assessment notice also disclosed the taxpayer may appeal the assessment by March 28, 2008 before the Jo Daviess County Board of Review. Subsequent to the board of review hearing, the appellants received a 2007 assessment notice of final decision issued by the Jo Daviess County Board of Review.

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<sup>1</sup> Initial notice was dated February 27, 2008 and second notice was dated June 10, 2008.

In that decision the board of review reduced the subject's assessment to \$73,654. At hearing the board of review representative testified that the final decision notice issued on June 10, 2008 for the 2007 assessment year was subject to an equalization factor of 1.1256. However, the board of review's notes on appeal in this 2006 appeal depicts no township equalization factors were applied for the 2006 assessment year. The Board finds this assessment change notice lends further support that the subject's assessment should be reduced for the 2006 assessment to mirror the board of review's subsequent assessment finding of \$73,654. In 400 Condominium Association v Tully, 79 Ill.App.3d 686 (1<sup>st</sup> Dist. 79), the court found that a substantial reduction in the tax bill is indicative of the invalidity of the prior tax year's assessment. (See also Hoyme Savings & Loan Association v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974)). The Board finds a substantial reduction in the subject's assessment for the subsequent year without any credible explanation is indicative of the invalidity of the prior year's assessment.

The Board finds the subsequent year's assessment of \$73,654 reflects a market value of approximately \$223,330 as reflected by its assessment and Jo Daviess County's 2006 three-year median level of assessments of 32.98%. The Board finds further support for this market value estimate in the appellant's appraisal of \$204,000 after removing the negative adjustment of \$20,000 for the Association dock, which the evidence disclosed the subject contains, but was not depicted in the appraisal. The addition of the estimated market value of a boat dock depicts an estimated market value of approximately \$224,000. Further, the Board finds the subject's estimated market value of \$223,330 is supported by the most similar comparable in this record (board of review comparable #1), with the subject being superior to this comparable as previously discussed.

In conclusion, the Board finds the appellants have 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.

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.