



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

APPELLANT: Carl Holst
DOCKET NO.: 07-00189.001-R-1
PARCEL NO.: 23-16-101-005-0040

The parties of record before the Property Tax Appeal Board are Carl Holst, the appellant; and the Vermilion 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 Vermilion County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 2,681
IMPR: \$ 13,319
TOTAL: \$ 16,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story frame and brick dwelling containing 1,491 square feet of living area¹ that was built in 1883. Amenities include an unfinished attic, central air conditioning, an unfinished basement and a 400 square foot garage. The subject dwelling is situated on an 18,687 square foot lot.

The appellant appeared before the Property Tax Appeal Board arguing both overvaluation and unequal treatment in the assessment process. In support of these claims, the appellant submitted four comparable properties located in close proximity to the subject. The comparables consist of a two-story and three, one-story style frame dwellings that are 70 or 80 years

¹ During the hearing, a dispute was raised regarding the subject's dwelling size. The parties agreed to measure the subject dwelling subsequent to the hearing to ascertain its correct size. On August 26, 2010, the Vermilion County Board of Review submitted a revised property record card for the subject property. The property record card depicts that the subject dwelling contains 1,491 square feet of living area.

old. The one-story dwellings have attics. The comparables have unfinished basements and garages that contain from 300 to 720 square feet. Two comparables have central air conditioning and one comparable has two fireplaces. The dwellings range in size from 1,300 to 2,937 square feet of living area. They have improvement assessments ranging from \$11,312 to \$21,059 or from \$6.43 to \$10.94 per square foot of living area. The subject property has an improvement assessment of \$13,319 or \$8.93 per square foot of living area.

Comparables 1 through 3 sold from May 2002 to February 2008 for prices ranging from \$32,000 to \$36,000 or from \$10.90 to \$27.69 per square of living area including land. In further support of the overvaluation claim, the appellant submitted an appraisal of the subject property. Using two of the three traditional approaches to value, the appraisal report conveyed an estimated market value for the subject property of \$39,500 as of September 15, 2003.

The appellant argued the comparables have assessments that reflect estimated market value from 25% to 125% over their sales prices, which shows a consistent pattern of over-assessment. The appellant argued property values in Vermilion County have decreased 25% to 50%. He opined the decrease in property values was caused by job loss, poverty rates, crime rates, and population loss. 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 final assessment of \$16,000 was disclosed. The subject's assessment reflects an estimated market value of \$47,190 or \$32.05 per square foot of living area including land using Vermilion County's 2007 three-year median level of assessment of 33.48%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal, Multiple Listing Sheets and an analysis of three suggested comparables. The comparables consist of one-story or one and one-half story frame dwellings that are approximately 60 or 80 years old. The comparables have unfinished basements, central air conditioning and attached or detached garages. The dwellings range in size from 1,012 to 1,320 square feet of living area. They have improvement assessments ranging from \$10,774 to \$14,052 or from \$10.63 to \$10.65 per square foot of living area. The subject property has an improvement assessment of \$13,319 or \$8.93 per square foot of living area.

The comparables sold from June to August 2006 for prices ranging from \$50,000 to \$68,000 or from \$42.02 to \$51.52 per square of living area including land.

With regard to the evidence submitted by the appellant, the board of review argued comparables 1 and 4 were vacant distressed Sheriff's sales that should not be considered. In addition

comparable 4 had been abandoned with a State Public Aid lien attached. The board of review indicated the 2003 appraisal submitted by the appellant is a good piece of value evidence if adjusted for appreciation. The board of review argued property values in Vermilion County have increased from 4% to 6% annually from 2003 to 2007. Using a 5% annual rate of appreciation and the 2003 appraisal value conclusion of \$39,500, the board of review extrapolated an estimated market value for the subject property of \$48,012. Based on this evidence, the board of review requested confirmation of the subject's 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 no reduction in the subject's assessments 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 not overcome this burden.

First, the Board gave less weight to the 2003 appraisal report submitted by the appellant. The Board finds the appraisal is dated and considered less indicative of the subject's fair market value as of the January 1, 2007 assessment date at issue in this appeal. In this framework, the Board finds the board of review submitted no market evidence to support its position that property values in Vermilion County have increased 4% to 6% annually since 2003.

The Property Tax Appeal Board finds this record contains sales data for six suggested comparables. The Board gave less weight to appellant's comparables 1, 3 and 4. Comparables 1 and 4 are considerably larger in size than the subject. Comparable 3 sold in 2002, which the Board finds is less indicative of the subject's fair market value as of the January 1, 2007 assessment date. The Board also gave less weight to comparable 2 submitted by the board of review due to its smaller size when compared to the subject.

The Property Tax Appeal Board finds the three remaining comparables submitted by the parties are more similar to the subject in location, age, size, style, features, and date of sale. They sold from June 2006 to February 2008 for sale prices ranging from \$32,000 to \$68,000 or from \$23.34 to \$51.52 per square of living area including land. The subject's assessment reflects an estimated market value of \$47,190 or \$32.05 per square foot of living area including land, which falls within the range established by the most similar comparable sales contained in this record. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as

reflected by its assessment is supported and no reduction is warranted.

The appellant also argued unequal treatment in the assessment process. 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. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden of proof.

The parties submitted descriptions and assessment information for seven suggested assessment comparables for the Board's consideration. The Property Tax Appeal Board gave less weight to comparables 1 and 4 submitted by the appellant and comparable 2 submitted by the board of review due to their dissimilar dwelling sizes when compared to the subject. The Board finds the four remaining comparables submitted by the parties are more representative of the subject in location, age, size, style and amenities. They have improvement assessments ranging from \$11,312 to \$14,998 or from \$8.70 to \$10.94 per square foot of living area. The subject property has an improvement assessment of \$13,319 or \$8.93 per square foot of living area, which falls at the lower end of the range established by the most similar comparables contained in this record on a per square foot basis. Therefore, no reduction in the subject's improvement assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no 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

K. L. Ferr

Frank A. Huff

Member

Member

Mario Morris

Shawn P. Lerbis

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 3, 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.