



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

APPELLANT: Daniel & Darlene Rhodes
DOCKET NO.: 07-01986.001-R-1
PARCEL NO.: 12-1-04-34-00-000-021.002

The parties of record before the Property Tax Appeal Board are Daniel & Darlene Rhodes, the appellants; and the Madison 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 **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,620
IMPR.: \$32,170
TOTAL: \$43,790

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one and one-half story frame dwelling containing 1,552 square feet of living area that was built in 2000. Features include a full unfinished walkout basement, central air conditioning and two small outbuildings. The dwelling is situated on a 3.69 acre site.

The appellants submitted evidence 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 prepared by a state licensed appraiser. The appraisal report conveys an estimated market value for the subject property of \$109,500 as of August 31, 2006, using two of the three traditional approaches to value.

Under the cost approach to value, the appraiser estimated the subject property had a market value of \$123,932. Under the sales comparison approach to value, the appraiser utilized three suggested comparable sales located from 1.7 to 9.31 miles from the subject. The comparables consist of a one story, a one and one-half story and a two-story dwelling of frame or frame and

masonry exteriors that contain from 1,392 to 1,866 square feet of living area. The dwellings are situated on sites ranging in size from .5 to 4.4 acres. The dwellings are from 12 to 77 years old. One comparable has a crawl space foundation; one comparable has a partial unfinished basement and one comparable has a full, partially finished basement. The comparables have central air conditioning and comparable 3 has a fireplace. Comparable 1 has a carport; comparable 2 has a two car garage and a carport; and comparable 3 has a two-car attached garage. Comparable 1 has three sheds. The comparables sold in October or December of 2005 for prices ranging from \$105,000 to \$132,000 or from \$56.27 to \$81.18 per square foot for living area including land.

The appraiser adjusted the comparables for differences to the subject in land area, view, design, condition, foundation type, living area, and various features. No adjustment was made for the comparables significant age differences to the subject. The adjustments resulted in adjusted sale prices ranging from \$104,165 to \$115,931 or from \$55.82 to \$83.28 per square foot of living area including land. Based on these adjusted sales, the appraiser concluded the subject property had a fair market value of \$109,500 or \$70.55 per square foot of living area including land as of August 31, 2006.

Based on this evidence, the appellants 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 \$43,790 was disclosed. The subject's assessment reflects an estimated market value of \$131,502 or \$84.73 per square foot of living area including land using Madison County's 2007 three-year median level of assessments of 33.30%.

In support of the subject's assessment, the board of review submitted three suggested comparable sales located from across the road to one mile from the subject. The comparables consist of a one story, a one and one-half story and a two-story dwelling of frame construction that contain from 1,232 to 1,620 square feet of living area. The dwellings are situated on sites ranging in size from 6.768 to 17.51 acres. The dwellings were built from 1965 to 1972. One comparable has a concrete slab foundation and two comparables have full walkout basements with 280 and 540 square feet of finished area. The comparables have central air conditioning. One comparable has a fireplace. Comparable 1 has a two car detached garage and comparable 2 has an integral basement garage. Comparable 3 has a small shed and two 1,320 square foot pole buildings. The comparables sold from June to October of 2007 for prices ranging from \$179,500 to \$268,100 or from \$112.13 to \$191.43 per square foot for living area including land.

Based on the evidence presented, the board of review requested a 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 no reduction in the subject property's assessment is warranted.

The appellants argued the subject property was 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 appellants did not meet this burden of proof.

The appellants submitted an appraisal report estimating the subject property had a fair market value of \$109,500 as of August 31, 2006. The board of review submitted three comparable sales to support its assessed valuation of the subject property.

The Property Tax Appeal Board finds comparable sales 1 and 2 submitted by the board of review are most representative of the subject property's fair market value. These comparables are located adjacent and across the road from the subject property. The comparables are comprised of one or one and one-half story dwellings that were built in 1965 and 1972, whereas the subject was constructed in 2000. The comparables have full walkout basements, like the subject, but contain small amounts of finished areas of 280 and 540 square feet, respectively. Furthermore, the comparables have garages and more land area, superior to the subject. They sold more proximate to the subject's January 1, 2007 assessment date than the three comparables sales contained in the appraisal report submitted by the appellants, which sold in 2005. The comparables sold in June and July of 2007 for prices of \$181,650 and \$268,100 or \$112.13 and \$191.43 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$131,502 or \$84.73 per square foot of living area including land, which is considerably less than the most similar sales contained in this record. After considering adjustments to the comparables for differences when compared to the subject, such as age, features and land area, the Board finds the subject's assessed valuation is supported and no reduction is warranted.

The Property Tax Appeal Board gave less weight to comparable 3 submitted by the board of review due to its dissimilar design and foundation type, distant location, smaller size and two larger pole buildings when compared.

The Property Tax Appeal Board gave less weight to the appraisal report submitted by the appellants. With respect to the cost approach to value, the Board finds there was no market evidence contained within the report to support the subject's estimated site value of \$25,830 or \$7,000 per acre. Furthermore, the Board finds the cost approach to be the least reliable indicator of value. 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. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach.

With respect to the sales comparison approach, the Board gave all the suggested comparables less weight because they sold in 2005 and are considered less indicative of the subject's market value as of its January 1, 2007 assessment date. Additionally, the Board finds comparable 2 has a crawl space foundation and comparable 3 is a two story dwelling, dissimilar when compared to the subject. Finally, comparables 1 and 3 are located over 9 miles from the subject. The Board further finds the adjustment amounts applied to the comparables or lack thereof to be suspect. For example, the appellants' appraiser failed to make any adjustment for the age differences of comparables 1 and 2, which are considerably older than the subject. In addition, the appraiser estimated an unsupported site value for the subject property of \$25,830 or \$7,000 per acre under the cost approach. However, the appraiser applied a \$6,000 land adjustment or \$2,000 per acre adjustment to comparable 1 for its three less acres of area when compared to the subject.

Based on the dissimilar comparable properties and the inconsistent adjustment amounts applied to comparables, the value conclusion under the sales comparison approach is not supported. Thus the Board finds the value detailed in the appellants' appraisal is clearly undermined and not persuasive.

Based on this analysis, the Property Tax Appeal Board finds the appellants failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no reduction in the subject's assessment 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: 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.