

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Barbara Humes
DOCKET NO.: 07-02117.001-R-1 and 07-02117.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Barbara Humes, the appellant, and the Fulton County Board of Review.

The subject property consists of two parcels, one of which has been improved with a one-story frame constructed single-family dwelling built in 2003. The dwelling consists of 1,720 square feet of living area and features central air conditioning, a crawl-space foundation, and an attached two-car garage. There was also a 48 square foot porch and a 360 square foot deck. The property is located in Canton, Canton Township, Fulton County, Illinois.

The appellant's petition indicated overvaluation as the basis of the appeal. In support of the overvaluation argument, appellant presented a limited summary appraisal prepared by James L. Mitchell of Mitchell Appraisal Service for a mortgage finance transaction. The appraiser estimated the subject property to have a market value of \$149,000 as of May 6, 2005. In the Residential Appeal petition, appellant also reported the subject property was purchased in May 2005 for \$76,470.

The total 2007 assessment of the two parcels is \$55,380 which reflects an estimated fair market value of \$171,032 based on the 2007 three-year median level of assessments for Fulton County of 32.38% as determined by the Illinois Department of Revenue.

The appraiser described the subject property as consisting of the two parcels for a total land area of 17,360 square feet. However, the appraiser further described the subject dwelling as consisting of 1,573 square feet of living area, which differs from the 1,720 square feet reported by the appellant on the Residential Appeal petition.

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

Table with 5 columns: Docket No., Parcel No., Land, Impr., Total. It lists two parcels with their respective assessed values for land and improvements.

Subject only to the State multiplier as applicable.

As to the data in the appraisal, the appraiser invoked a departure provision of the Uniform Standards of Professional Appraisal Practice noting that the cost approach was considered and found applicable, but was not necessary to produce results which were credible. Similarly, the income approach was considered, but not applicable. Thus, the appraiser presented only the sales comparison approach to value in the appraisal.

In the sales comparison approach, the appraiser utilized three comparable sales which were located from 0.05 to 0.52 miles from the subject property. These comparable one-story dwellings were built in 2003 or 2005 and ranged in size from 1,400 to 1,856 square feet. Exterior construction was not specified. Each comparable had a two-car attached garage. Two comparables had crawl-space foundations and one had a full, unfinished basement. No information on air conditioning was provided. These properties sold for prices ranging from \$140,000 to \$160,000 or from \$75.43 to \$114.29 per square foot of living area, including land, between August 2004 and March 2005. The appraiser made adjustments of 5% for the location of Sales #1 and #3 because they are "located on a very busy street" and near schools. The appraiser also adjusted the comparables for land size, living area square footage, and foundation (basement), where necessary. Gross living area was said to be adjusted \$20 per square foot. After adjustments, the appraiser found adjusted sale prices ranging from \$143,400 to \$157,400 or from \$77.26 to \$112.43 per square foot of living area, including land.

Based on this data, the appellant requested an assessment of \$5,000 on the vacant land parcel and a total assessment of \$45,000 on the improved parcel to reflect the appraisal value.

The Board of review presented its "Board of Review Notes on Appeal" wherein the final assessments of the subject parcels were disclosed. The board of review stipulated to the total assessment of \$5,000 as requested by the appellant on the vacant parcel known as Docket Number 07-02117.002-R-1 in this matter. In support of the improvement assessment on the improved parcel, the board of review presented a grid analysis with assessment data on four suggested comparable properties along with applicable property record cards and a map depicting the location of the subject and comparables; the board of review requested a reduction to \$5,000 in the land assessment of the improved parcel also.

The comparable dwellings presented by the board of review were located along the same street as the subject property and were described as one-story frame dwellings that ranged in age from 2 to 10 years old. Features included central air conditioning and a garage ranging in size from 484 to 1,140 square feet of building area. One comparable also had a fireplace. No information was provided on foundation. The dwellings ranged in size from 1,470 to 1,932 square feet of living area and have improvement assessments ranging from \$43,170 to \$56,170 or from \$27.34 to \$29.94 per square foot of living area. The subject has

an improvement assessment of \$44,900 or \$26.10 per square foot of living area.

In response to the appellant's evidence, the board of review noted that two of the comparables set forth in the appraisal were from a different subdivision "and in a less upscale neighborhood, with busier streets and close to a school." Based on this evidence, the board of review requested a reduction in the land assessment of parcel number 09-08-26-201-014 to \$5,000, but confirmation of the subject's improvement assessment of \$49,900.

The total assessment requested by the board of review for both parcels is \$59,900 or an estimated fair market value of \$184,991 based on the three-year median level of assessments in Fulton County.

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 finds that the assessment conclusion documented by the appellant as to the vacant parcel and agreed to by the board of review is correct and that a reduction in the assessed valuation of the vacant parcel is appropriate.

The Property Tax Appeal Board finds the evidence on this record supports a reduction in the subject's assessment as to the second improved parcel.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board further finds the subject dwelling consists of 1,720 square feet of living area. The Board finds the best evidence in the record is provided by both the appellant and the board of review as to the living area of the subject dwelling. The Board further finds that this size determination detracts from the credibility of the appraisal submitted by the appellant in this matter. In particular, the Board finds that in light of the subject dwelling consisting of 1,720 square feet of living area the appraiser made erroneous adjustments for the sizes of the comparable dwellings in the sales comparison approach.

Since the appraiser provided data on his rate of size adjustment at \$20 per square foot of living area, the Property Tax Appeal Board has been able to re-calculate the adjustments in the appraiser's sales comparison approach in light of the subject dwelling's actual size. With the subject size of 1,720 square feet, the appraiser's adjusted sales prices would range from

\$146,280 to \$160,400 or from \$78.81 to \$114.57 per square foot of living area, including land. The appraisal conclusion of \$149,000 reflects an estimated fair market value of \$86.63 per square foot of living area, including land, for the subject dwelling size of 1,720 square feet of living area.

The board of review provided no explanation as to its determination of the estimated market value of the subject as reflected in its assessment. The board of review failed to address the appellant's market value evidence when it submitted equity comparables. Despite the absence of an appraisal, comparables sales, or other market data in support of the subject's assessment, the board of review simply claimed the subject's assessment was correct.

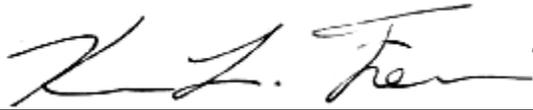
The appellant in this appeal submitted the only evidence of market value in the record. The appellant submitted an appraisal estimating the subject property had a market value of \$149,000 as of May 6, 2005. As determined by the Fulton County Board of Review, the total assessment of the two parcels is \$55,380. This total assessment reflects an estimated fair market value of \$171,032 based on the 2007 three-year median level of assessments for Fulton County of 32.38% as determined by the Illinois Department of Revenue. The estimated fair market value is greater than the estimated fair market value of the subject property as reflected by the appraisal dated May 6, 2005 estimating a market value of \$149,000.

While the appraisal submitted by the appellant lacks some basic detail as to the comparable properties and has a substantial flaw in the determination of the living area square footage of the subject dwelling, in the end the Property Tax Appeal Board finds that, despite these questions, the appraisal submitted by the appellant estimating the subject's market value is still the best and only evidence of the subject's market value in the record.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted commensurate with the appellant's request.

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.

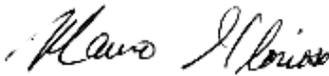
Chairman



Member



Member



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: May 27, 2009



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.