



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

APPELLANT: Craig A. Perry
DOCKET NO.: 07-04550.001-R-1
PARCEL NO.: 18-13-26-354-004

The parties of record before the Property Tax Appeal Board are Craig A. Perry, the appellant, and the Stephenson 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 Stephenson County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$12,209
IMPR.: \$41,371
TOTAL: \$53,580

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel contains 13,400 square feet of land area. The parcel is adjacent to Park Hills Golf Course and is improved with a one-story frame dwelling containing 1,756 square feet of living area. The home was built in 1991 and features a full unfinished basement along with an attached three-car garage of 928 square feet of building area. The property is located in Freeport, Freeport Township, Stephenson County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted seven comparable sales which were within 8 blocks from the subject property. The comparables range in size from 12,814 to 24,441 square feet of land area. Each parcel is improved with one-story frame dwellings built between 1988 and 2001. The dwellings range in size from 1,627 to 2,144 square feet of living area. Each comparable has central air conditioning and a basement, two of which are finished. The comparables have garages ranging in size from 523 to 778 square feet of building area. Six comparables

also have a fireplace. The comparables sold between March 2006 and July 2007 for prices ranging from \$135,000 to \$166,500 or from \$73.69 to \$98.29 per square of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$52,000 or a market value of approximately \$156,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$58,188 was disclosed. The subject's assessment reflects an estimated market value of \$176,595 or \$100.57 per square foot of living area including land using Stephenson County's 2007 three-year median level of assessments of 32.95%.

In response to the appellant's evidence, the board of review presented evidence from the township assessor. The assessor first noted the subject's market area desires three specific amenities: three-car garage, walkout basement and finished basement. Of these desired amenities, the subject property only has a three-car garage.

The assessor also addressed each of the comparables presented by the appellant. Comparable #1 has an actual living area of only 1,844 square feet, 300 square feet smaller than reported by appellant. Comparable #2 was reportedly not an arm's length sale transaction as it was not listed on the open market.¹ Comparable #3 was sold via an Executor's Deed and was thus not considered arm's length by the assessor, although the attached copy of the Illinois Real Estate Transfer Declaration certified that the property was advertised for sale. Comparable #4A reportedly sold for \$161,000, although appellant reported a sale price of \$135,000. Comparable #7 was noted to have all three desired amenities.

In support of the subject's assessment, the board of review submitted an analysis of six comparable sales, two of which had been presented by the appellant. The comparables are from .35 to 1.54-miles from the subject property and consist of one-story frame dwellings that were built from 1994 to 2004 and range in size from 1,440 to 1,765 square feet of living area. Features include basements, one of which is finished and two of which are walkout style. Each comparable has central air conditioning, a fireplace and a two-car or three-car garage. The comparables sold between June 2005 and July 2007 for prices ranging from \$148,000 to \$179,900 or from \$93.77 to \$104.11 per square foot of living area including land.

In addition, the assessor presented an "improved market data grid" organized by dwelling size with all of the appellant's comparables, the board of review's comparables, along with eight additional sales comparables. Because this grid is not numbered

¹ While the assessor had a form signed by the seller, the assessor did not present a copy of the PTAX-203 Illinois Real Estate Transfer Declaration.

the same as the previously referenced board of review comparables, so avoid confusion the Property Tax Appeal Board will focus its analysis on the previously referenced six comparable sales presented by the board of review.

Based on the foregoing 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 Board further finds a reduction in the subject's assessment 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). After an analysis of the evidence, the Board finds the appellant has overcome this burden.

Excluding common properties, the record contains eleven suggested comparable sales for the Board's consideration and in support of the parties' respective positions. The Property Tax Appeal Board has given less weight to appellant's comparables #3 and #6 along with board of review comparable #4 due to their finished basement feature not enjoyed by the subject. The Board has also given less weight to board of review comparable #6 due to its smaller dwelling size as compared to the subject. The Board has also given less weight to board of review comparables #1, #2 and #3 which were substantially newer than the subject dwelling. Thus, the Board finds appellant's comparables #1, #2, #4B and #4A/board of review comparable #5 were more similar to the subject in location, design, age, size, and/or features. They sold between March 2006 and July 2007 for prices ranging from \$138,900 to \$161,000 or from \$78.03 to \$98.96 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$176,595 or \$100.57 per square foot of living area including land which is above the range of the most similar comparables on this record on a per-square-foot basis. Moreover, the high end of the range represents a dwelling with a walkout basement feature not enjoyed by the subject. 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 not supported and a reduction is warranted based on the preponderance of the evidence.

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

Shawn R. Lerbis

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: January 21, 2011

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.