



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

APPELLANT: Vivek Mehta
DOCKET NO.: 07-04763.001-R-1
PARCEL NO.: 18-18-02-326-003

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

LAND: \$22,298
IMPR.: \$104,672
TOTAL: \$126,970

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 1.5-acres is improved with a 13-year-old, two-story frame dwelling that contains 3,830 square feet of living area. The home features a full walkout-style basement of which 1,876 square feet is finished, central air conditioning, two fireplaces, and a three-car garage of 912 square feet of building area. The property is located in Freeport, Stephenson County.

The appellant appeared before the Property Tax Appeal Board arguing that the fair market value of the subject property was not accurately reflected in its assessment. In support of that argument, appellant presented a grid analysis of three sales of properties located in close proximity to the subject. At hearing, the appellant specifically objected to the amount of taxes being paid as compared to acquaintances he has in other states.

As set forth in the grid analysis, the three sales were of improved parcels ranging in size from 1.14 to 3.2-acres with two,

two-story and one, part two-story and part three-story frame or frame and masonry dwellings. The dwellings range in age from 10 to 19 years old and range in size from 2,786 to 4,537 square feet of living area. Each of the comparables have full basements with finished areas ranging in size from 915 to 1,523 square feet. Each comparable has central air conditioning, one or two fireplaces and three-car garages ranging in size from 630 to 1,040 square feet. The properties sold between October 2006 and November 2007 for prices ranging from \$243,000 to \$287,000 or from \$63.26 to \$97.27 per square foot of living area including land.

Based on the foregoing sales data, the appellant requested a total assessment reduction to \$83,156 or a market value of approximately \$249,468.

On cross-examination, appellant testified that he did not know if comparable #3 in his grid analysis had been advertised prior to sale or not.

The Board of review presented its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$126,970 was disclosed. The subject's assessment reflects an estimated market value of \$385,341 or \$100.61 per square foot of living area, land included, using the 2007 three-year median level of assessments for Stephenson County of 32.95%.

In response to the appeal, the board of review and township assessor jointly presented a letter outlining the evidence which included maps, discussion of the appellant's comparables, a vacant land sales analysis, and a grid analysis of eight comparable improved sales to support the subject's assessment.

The board of review called Debra Dinges, Deputy Assessor in Freeport Township, as a witness. Dinges testified that she has been in the assessing field since 1989. In the letter and at hearing, Dinges noted that in 2006 there were seven homes in competing marketing areas similar to the subject that sold in excess of \$260,000 and the market was saturated which then "shows up in the sale price." In 2007, the number of sales dropped to four and in 2008 there were only three sales. The board of review contends that each of the three sales presented by appellant occurred in 2006 "when the market was saturated." Appellant's comparable #1 was on the market in June 2004 with a listing price of \$439,000. The assessing officials toured the property in January 2007 and found it in less than average condition with deferred maintenance issues. In addition, Dinges contends this is an "odd" three-story dwelling in that there are very few three-story dwellings in the township; this property sold at a discount after being listed too high for too long and having maintenance issues.¹ The board of review contends that

¹ Upon viewing the property, the assessing officials also found the finished basement area to be only 648 square feet.

appellant's comparable #2 was also listed too high in late 2005, sat on the market for nearly a year, and eventually sold for a discounted price. As to comparable #3, the sales history includes a February 2006 sale for \$279,000, an October 2006 sale for \$280,000, and a November 2007 sale (as reported by the appellant) for \$271,000 where the grantee was a relocation company. Based on who the seller was, the board of review contends this was not an arm's-length sales transaction.² The board of review concludes that because there was less market competition in this specific 2007 market compared to the 2006 market, the board and assessor do not believe that the appellant's comparables are the most reliable sales for an indication of value for the 2007 assessment.

The vacant land sales grid set forth five sales of parcels ranging in size from 32,240 to 207,345 square feet of land area. The properties sold between April 2004 and September 2005 for prices ranging from \$55,400 to \$150,000 or from \$0.48 to \$1.72 per square foot of land area. The subject's land assessment reflects a market value of approximately \$66,894 or \$1.02 per square foot of land area.

Dinges testified that in establishing 2007 assessments, the township assessor analyzes sales from 2004, 2005 and 2006. As to the board's grid analysis, sales #1 and #2 were smaller dwellings, but had 2007 sales; sales #3, #4 and #5 were 2008 sales "that help validate the value"; and sale #6 was a private sale from 2006 along with sale #7 from 2006. The eight improved comparables were located from across the street to 3-miles from the subject and had parcels ranging in size from .426 to 5.38-acres of land. The comparable dwellings on these lots were a one-story with a loft or two-story frame, brick, or brick and frame structures built between 1949 and 1997. The dwellings range in size from 2,284 to 3,599 square feet of living area. Seven comparables have full or partial basements, three of which were walkout-style and one of which was partially exposed; four comparables have finished areas ranging in size from 228 to 1,685 square feet. Each comparable has central air conditioning, one or two fireplaces, and two-car or three-car garages. These properties sold between April 2006 and October 2008 for prices ranging from \$260,000 to \$380,000 or from \$88.08 to \$141.45 per square foot of living area including land.

Based on the foregoing data, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In rebuttal at hearing the appellant questioned the characterization by the assessor that comparables presented by the appellant were listed too high for too long arguing that the

² While the board of review argued in its letter that comparable #3 was built in 1997, the property record card submitted indicated a year of construction of 1988. In the grid analysis, the board also reported the age as 1988.

market determines the price of a property. The appellant simply reported the sales prices of properties that sold that were in the subject's neighborhood.

After hearing the testimony and reviewing the record, 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 is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation. (86 Ill. Admin. Code, Sec. 1910.10(f)). The Board's jurisdiction is limited to determining the correct assessment of property which is the subject of an appeal. (35 ILCS 200/16-180). In this appeal 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 not overcome this burden.

The record contains eleven suggested comparable sales for the Property Tax Appeal Board's consideration. The Board has given less weight to appellant's comparable #1 and board of review comparable #2 due to design differences from the subject as these comparables were three-story and one-story dwellings, respectively, as compared to the subject's two-story design. The Board has also given less weight to board of review comparable #1 due to its smaller size, to board of review comparable #6 due to its "private sale" which was not explained, and to board of review comparable #7 due to its lack of a basement which is enjoyed by the subject. The remaining six most similar comparables to the subject in location, design, age, size, and/or features sold for prices ranging from \$260,000 to \$380,000 or from \$88.12 to \$133.36 per square of living area including land. The subject's assessment reflects an estimated market value of \$385,341 or \$100.61 per square foot of living area including land which is within the range on a per-square-foot basis of the most similar sales comparables on the 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 a reduction is not 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

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: October 22, 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.