



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

APPELLANT: Nancy and Stephen Reed  
DOCKET NO.: 07-04962.001-R-1  
PARCEL NO.: 06-307-002-00

The parties of record before the Property Tax Appeal Board are Nancy and Stephen Reed, the appellants; and the Henderson 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 Henderson County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$24,631  
IMPR.: \$27,079  
TOTAL: \$51,710**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a riverfront parcel containing 137.5 front feet of land area and 20,625 square feet of land area and is improved with a one-story frame dwelling. The subject is located in Oquawka, Oquawka Township, Henderson County.

The appellants submitted evidence to the Property Tax Appeal Board claiming assessment inequity and overvaluation as the bases of the appeal. In support of the land inequity contention, the appellants submitted a letter, a grid analysis and supporting data on three comparable properties. Two comparables were reported to be  $\frac{1}{4}$  mile from the subject, while the third comparable is approximately 23 miles from the subject in Dallas City. Two comparables were reported to contain approximately 86,249 and 12,800 square feet of land, respectively, while one comparable's land area was not clearly stated. The comparables had land assessments ranging from \$5,211 to \$38,366 or \$0.44 and \$0.41 per square foot of land area, respectively. The first comparable, for which no size was clearly stated, was said to have a land assessment of \$8,813 or \$0.04 per square foot. The

subject has a land assessment of \$24,631 or \$1.19 per square foot of land area.

The appellants' letter indicated they only wished to contest the subject's land assessment, but their petition indicated a reduction in the subject's improvement assessment was sought as well. However, the appellants submitted no improvement data on any of the comparables, or any other evidence to support a reduction in the subject's improvement assessment.

In support of their overvaluation contention, the appellants submitted descriptions and Real Estate Transfer Declarations for two comparable sales. The appellants submitted no descriptive information regarding these properties' land or improvements. The transfer declarations indicated the second comparable was not advertised for sale and was sold in settlement of a contract for deed. The comparables sold in October 2005 and August 2007 for \$85,500 and \$67,718, respectively. The appellants contend sales like these two comparables should be relied on to properly value the subject. Based on this evidence, the appellants requested the subject's assessment be reduced to \$35,568.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$51,710 was disclosed. In support of the subject's assessment, the board of review submitted property record cards, a grid analysis of nine comparable properties and a letter responding to the appellants' arguments. The letter stated that no change has been made in the subject's assessment for 2007, other than application of a 1.03% township equalization factor to the 2006 assessment. The board of review's letter referred to 2005 and 2006 Property Tax Appeal Board decisions concerning the subject under Docket Nos. 05-01612.001-R-1 and 06-02649.001-R-1, wherein the Board found no reduction in the subject's assessment was warranted. The letter stated the board of review's nine comparables include six equity comparables used to support the subject's 2006 assessment and three comparable sales which occurred in 2006. The board of review claims these sales "indicate that any claim of decrease in property values is simply not so in the subject property's area."

The board of review's letter also stated that the appellants' comparable 1 is a farm parcel with a view of land owned by the Army Corps of Engineers, not the main river channel like the subject. The letter also noted the subject is assessed using the front foot method of riverfront land, whereas the appellants' comparable 1 is assessed as farmland. The letter stated the appellants' comparable 2 is over 300 feet deep and has had a 118% depth factor applied. The subject lot is 150 feet deep and is the standard lot depth, requiring no adjustment for depth. The board of review asserted that the appellants' comparable 3, located 28 miles from the subject in Dallas City, is dissimilar to riverfront land like the subject. The board's letter also stated the appellants' comparable 3 is low-lying land prone to flooding, unlike the subject, which sits on a bluff above the Mississippi River in Oquawka.

The board of review's letter asserted that the front foot method of assessing properties in the subject's market area is most appropriate and that the appellants' suggested square foot method of land assessment "would not be appropriate for this type of property where the market is driven by the area in which it is located with its view of the river that is not subject to flooding."

The board of review's equity comparables range in size from 44.65 to 181.5 front feet of land and have 2007 land assessments ranging from \$4,639 to \$38,366 or from \$103.90 to \$211.38 per front foot of land area. The subject has a land assessment of \$24,631 or \$179.13 per front foot. All the board of review's comparables and the subject were first valued at \$550 per front foot and then had depth factors of 58% to 118% applied to them, depending on lot depth. Then, the comparables have the 2005 equalization factor of 89.5% applied, multiplied by the 33.33% statutory assessment level, then times 1.06 for the 2006 equalization factor, and finally, times 1.03% for the 2007 equalization factor. The board of review's comparables 6 and 9 were 150 feet deep like the subject. The board of review also included the lot depth chart used to apply depth factors to lots in the subject's neighborhood. The board of review further submitted an aerial photograph of the subject's riverfront neighborhood. The subject and the nine board of review's comparables' locations were depicted on the photograph. Based on this evidence, the board of review requested the subject's assessment be confirmed.

Regarding the appellants' two comparable sales, the board of review's letter stated the appellant's comparable 1, which sold in October 2005 for \$85,500, also sold again in 2008 for \$114,000. The board of review indicated the first sale of this comparable was a distressed sale because an elderly couple had been living in the home. The husband died, the wife was in a nursing home and then the home was occupied by a grandchild who did not adequately maintain the home. The buyers of the home in 2005 had to dispose of refuse and update the property prior to its 2008 sale for \$114,000. The board of review noted the appellants' other comparable sale was an unadvertised contract between two friends who worked together and wanted to live next to each other. For this reason, the board of review contends this was not an arm's length transaction. The board of review also noted this property has only 60 feet of river frontage, while the subject has 137.5 feet of frontage.

In rebuttal, the appellants' submitted an appraisal of their comparable sale 1 that had an effective date of December 11, 1996.

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 that a reduction in the subject's

assessment is not warranted. The appellants' argument was 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 appellants have not overcome this burden.

The Board finds the parties submitted 12 land comparables for its consideration. The appellants' comparable 2 is the same property as the board of review's comparable 8. The Board gave less weight to the appellant's comparable 1 because it was not similarly located in relation to the subject on the main channel of the Mississippi River. This comparable was a farm parcel with a view of land owned by the Army Corps of Engineers, rather than a view of the main river channel like the subject. The Board also gave less weight to the appellants' comparable 3 because it was located 28 miles away in a different town. The board of review's evidence indicated this comparable was subject to flooding, whereas the subject is not because of its location on a bluff overlooking the river. The Board finds the comparables submitted by the board of review, one of which is the same property as the appellants' comparable 2, were similar in location when compared to the subject and had land assessments ranging from \$103.90 to \$211.38 per front foot of land area. The subject's land assessment of \$179.13 per front foot falls within the range of the board of review's comparables. The board of review's evidence indicated the same assessment formula was employed to assess all river-view lots in the subject's neighborhood. The Board takes notice of its 2006 decision regarding the subject property under Docket No. 06-02649.001-R-1. In that decision, the Board found that, based on the evidence in the record, no reduction in the subject's land assessment was warranted. In the instant appeal, the Board finds the evidence submitted by the parties is essentially the same as in the 2006 appeal, except the appellants submitted fewer comparables than in 2006. Therefore, the Board finds the appellants have failed to prove inequity regarding the subject's land assessment by clear and convincing evidence and a reduction in the subject's assessment 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

*Frank J. Huff*

Member

Member

*Mario M. Louie*

*Shawn R. Lerski*

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 21, 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.