



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

APPELLANT: Hans & Emma Bender
DOCKET NO.: 07-06131.001-R-1
PARCEL NO.: 18-014-058-00

The parties of record before the Property Tax Appeal Board are Hans & Emma Bender, the appellants, and the Jo Daviess 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 Jo Daviess County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$57,687
IMPR.: \$94,840
TOTAL: \$152,527

Subject only to the State multiplier as applicable.

ANALYSIS

The subject irregularly-shaped parcel of 30,240 square feet is improved with an 8-year-old, one-story frame dwelling. The home contains 1,841 square feet of living area and features a full unfinished basement, central air conditioning, a fireplace, and a two-car attached garage of 576 square feet of building area. The property is located in Apple River, Thompson Township, Jo Daviess County.

The appellants 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, a grid analysis of sales of four properties located in the Apple Canyon Lake subdivision was presented. Appellants also attached portions of a market analysis to the appeal; the market analysis estimated the subject's fair market value to be \$375,000. The record is unclear if the entire market analysis was attached to the appeal.

Based on the grid analysis, the underlying listing sheets and the testimony at hearing, the four comparables were one or two-story frame exterior constructed single-family dwellings ranging in age from 3 to 17 years old. The dwellings range in size from 1,208 to 2,260 square feet of above-ground living area and feature full basements, three of which are walkout style and three of which are reported to be finished.¹ Each comparable has central air conditioning and three comparables have one or two fireplaces. Each comparable has a garage ranging in size from 457 to 770 square feet of building area. The properties sold between June 2006 and August 2008 for prices ranging from \$312,500 to \$340,000 or from \$150.44 to \$258.69 per square foot of living area including land.

The evidence further revealed that the appellants did not file a complaint with the board of review, but filed this 2007 appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor.²

Based on the foregoing sales data, the appellants requested a total assessment reduction to \$138,003 or a market value of approximately \$414,000.

The Board of review presented its "Board of Review Notes on Appeal" wherein the subject's final equalized assessment of \$164,442 was disclosed. The subject's assessment reflects an estimated market value of \$496,204 or \$268.65 per square foot of living area, land included, using the 2007 three-year median level of assessments for Jo Daviess County of 33.14%.

In support of the subject's estimated market value as reflected by its equalized assessment, the board of review presented a memorandum along with various supporting documents. In the memo, the board noted that the subject property is located in Apple Canyon Lake Subdivision, a resort community, with a private 480-acre lake, golf course, campground and property owner's clubhouse.

While 2007 was the quadrennial reassessment for Thompson Township, the sales ratio study revealed that the township level of assessment was only at 29.61%. Since by law property is to be assessed at 33.33% of fair market value, the Jo Daviess County Board of Review applied an equalization factor of 1.1256 for 2007 to Thompson Township. Therefore, pursuant to law, the board of review noted that the jurisdiction of the Property Tax Appeal Board in this appeal is limited to removing, if supported by the

¹ The assessors records do not indicate any basement finish for appellants' comparable #4, but the listing sheet indicated the basement was fully finished.

² See Notice of Final Decision dated June 10, 2008 indicating "Reason for change: Equalization" which changed the subject's assessment from \$146,093 to \$164,442.

evidence, the amount of assessment increase caused by the equalization factor.

In a two-page grid analysis to support the subject's assessment, the board of review presented sales of nine comparable properties located in Apple Canyon Lake. The lots varied in size from 3,417³ to 69,972 square feet. The comparables were eight, one-story and one, part one-story and part two-story frame exterior constructed dwellings ranging in age from 4 to 32 years old. The dwellings range in size from 1,280 to 2,230 square feet of above-ground living area and feature full basements, each of which has finished area ranging in size from 650 to 1,436 square feet. Additional features include central air conditioning and one or two fireplaces. Five comparables have a garage ranging in size from 506 to 864 square feet of building area. The sales occurred between February 2004 and September 2007 for prices ranging from \$412,500 to \$490,000 or from \$213.03 to \$382.81 per square foot of living area including land.

In addition to support the subject's land value, the board of review presented a second grid analysis of six vacant land sales located in Apple Canyon Lake. The lots ranged in size from 11,224 to 20,175 square feet; these parcels sold between July 2004 and March 2007 for prices ranging from \$67,500 to \$125,000 or from \$3.99 to \$6.68 per square foot of land area. The subject parcel has an estimated market value of \$174,071 based on its equalized land assessment or approximately \$5.76 per square foot of land area.

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

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 appellants 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 appellants have overcome this burden.

The record contains thirteen suggested comparable sales for the Property Tax Appeal Board's consideration. The Property Tax Appeal Board finds appellants' comparable #4 and board of review comparables #1, #2, and #6 were most similar to the subject in design, age, size, and/or features. They sold for prices ranging

³ The lot sizes were drawn from the attached property record cards. Sale #8 reported a lot size of only 17' x 201' and has been reported above as the low end of the range.

from \$340,000 to \$475,050 or from \$179.32 to \$256.69 per square of living area including land. The subject's equalized assessment reflects an estimated market value of \$496,204 or \$268.65 per square foot of living area including land which is above the range 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 excessive and a reduction is warranted.

Since the appeal was filed after notification of an equalization factor, the amount of relief that the Property Tax Appeal Board can grant is limited in that the Board cannot grant an assessment reduction greater than the amount of increase caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999). (See 86 Ill.Admin.Code §1910.60(a) and 35 ILCS 200/16-180). The Board finds that a reduction in the subject property's assessment is warranted although the reduction cannot exceed the amount of the assessment increase caused by application of the equalization factor. The Board further finds that a reduction of less than the amount of increase caused by application of equalization is appropriate based on the sales data in this record.

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 P. 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.