



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

APPELLANT: Terry Draper
DOCKET NO.: 07-06270.001-R-1
PARCEL NO.: 05-05-21-101-018

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

**LAND: \$8,840
IMPR.: \$11,160
TOTAL: \$20,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of one-story single family dwelling of concrete block and brick construction that contains approximately 1,280 square feet of living area. The dwelling has a slab foundation, a fireplace, central air conditioning in a portion of the home and a covered concrete patio. The home is approximately 52 years old. The property has a 12,750 square foot parcel and is located in Trenton, Sugar Creek Township, Clinton County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal of the subject property estimating the property had a market value of \$49,000 as of January 1, 2007. The appellant testified this is his home and he also prepared the appraisal of the subject property. Draper has been a licensed appraiser for approximately 12 years. He testified he does primarily residential appraisals and his business has a fifty mile radius. He testified he prepares approximately a couple of hundred appraisals each year with approximately 30 appraisals being in Trenton.

In estimating the market value of the subject property the appellant developed the cost and sales comparison approaches to value. Under the cost approach the appellant estimated the subject had a site value of \$14,000. The appraisal contained no land sales. In estimating the replacement cost new the appellant stated he used the Marshall and Swift Replacement Cost Handbook and local contractors to arrive at a cost of \$71.64 per square foot of living area resulting in a cost new estimate for the home of \$92,559. The appellant added \$1,850 for the concrete patio to arrive at a total cost new of \$94,409. The appellant estimated physical depreciation to be \$62,942 or 66.67% of cost new. The appellant testified depreciation was calculated using an effective age of 40 years and an economic life of 60 years. Deducting depreciation and adding the estimated value of site improvements of \$1,000 and the land value of \$14,000 resulted in an estimated market value under the cost approach of \$46,467.

Under the sales comparison approach the appellant used three comparable sales improved with one-story dwellings of frame, brick or brick and frame construction. Each property was located in Trenton. The dwellings ranged in size from 900 to 1,600 square feet of living area and ranged in age from 45 to 55 years old. One comparable has a full basement while two have crawl space foundations. Each comparable has central air conditioning and two comparables have one-car attached garages. The appellant also indicated the comparables had thermal windows that the subject dwelling does not have. The sales occurred from April 2005 to August 2005 for prices ranging from \$58,000 to \$72,500 or from \$37.50 to \$80.56 per square foot of living area. After making adjustments to the comparables for differences from the subject the appellant estimated the comparables had adjusted prices ranging from \$47,488 to \$49,188. Using this data the appellant estimated the subject had an indicated value under the sales comparison approach of \$49,000.

The appellant gave most weight to the sales comparison approach and estimated the subject had a market value of \$49,000 as of January 1, 2007.

The appellant testified the subject dwelling has a flat roof, which made it difficult to find comparables. None of the comparables have flat roofs and he further testified a flat roof makes it difficult to market a property. The appellant testified he inspected the interior of comparables #1 and #2. The appellant testified the adjustments were based on his experience.

Under cross-examination the board of review questioned the appellant about his sale #2, which was an estate sale.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$21,750 was disclosed. The subject's assessment reflects a market value of approximately \$64,387 or \$50.30 per square foot of living area when applying the 2007 three year median level of assessments for Clinton County of 33.78%.

The board of review submitted a copy of the subject's property record card and a copy of a page from the 2006 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) citing the Ethic Rule concerning the conduct of an appraiser and the need to be impartial. The board of review contends the appraiser violated USPAP. The board of review also noted the sales in the appraisal were over one-year old and were too old to determine current market value.

The board of review provided testimony that the subject dwelling was valued using a cost approach and had a depreciated value of \$38,740, which was reflected on the property record card. The land was valued at \$26,530. The board of review noted the subject's flat roof was reflected in the homes "D" grade and fair condition.

After hearing the testimony and considering the evidence the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds a reduction in the assessment of the subject property is supported by the evidence in the record.

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 sales data in the record support a reduction in the subject's assessment.

The record contains an appraisal prepared by the appellant and a copy of the subject's property record card containing a cost approach to value submitted by the board of review. The Board gives little weight to the cost approach contained in the appraisal and on the property record card due to the fact that neither party provided comparable land sales to support their respective estimates of land value. Additionally, the subject dwelling is approximately 50 years old with a flat roof, which makes it difficult to arrive at an reliable or valid estimate of depreciation.

The Board finds the best evidence in the record were the sales provided in the appraisal. Although the sales occurred more than one-year prior to the assessment date, the board of review did not provide any additional sales that were more proximate in time to the assessment date at issue to demonstrate the appellant's sales were not reflective of market value as of January 1, 2007. The Board gave less weight to comparable #2 due to its full basement and the testimony that it was an estate sale. Comparable sale #3 was significantly smaller than the subject and had a garage not enjoyed by the subject. This property was in in better condition than the subject. For these reasons less weight was given this sale. The Board finds the most similar property

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was comparable #1 which sold for \$60,000. Based on this record the Board finds the subject's assessment should be reduced to reflect a market value of \$60,000 as of January 1, 2007.

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 M. Louie

Member

Shawn R. Lerski

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: August 20, 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.