



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

APPELLANT: George Harhen
DOCKET NO.: 08-02362.001-R-1
PARCEL NO.: 06-18-226-007

The parties of record before the Property Tax Appeal Board are George Harhen, the appellant, by attorney Charles G. Popp in Belvidere, and the Boone 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 Boone County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$15,666
IMPR.: \$134,717
TOTAL: \$150,383

Subject only to the State multiplier as applicable.

ANALYSIS

The subject .97-acre parcel is improved with a one-story frame and masonry single-family dwelling that contains 3,386 square feet of living area. The home was built in 2006 and features a full unfinished basement, central air-conditioning, a fireplace, and an attached 826 square foot garage. The property is located in Belvidere, Bonus Township, Boone County.

The appellant appeared before the Property Tax Appeal Board through legal counsel having claimed both unequal treatment in the assessment process and overvaluation as the bases of this appeal.

In support of the inequity argument, the appellant submitted a grid analysis with one neighboring property of 1.05-acres that is improved with a 35-year-old, one-story dwelling of 2,707 square feet of living area. The comparable features a full finished basement, central air conditioning, two fireplaces, and a 720 square foot garage. The home is also said to have two furnaces. This comparable has an improvement assessment of \$87,341 or \$32.26 per square foot of living area. The subject has an

improvement assessment of \$134,717 or \$39.79 per square foot of living area.

In further support of the appeal, the appellant attached two sets of data. The first set of data was a four-page spreadsheet listing of all 2007 sales in Boone County. Other than dwelling size and age, no specific descriptive data of these properties is set forth. No dwelling on the listing is larger than 2,448 square feet and none was built later than 2003. These properties of unknown lot size and other unknown foundations and/or amenities sold for prices ranging from \$94,500 to \$330,000. The listing also includes sale price and assessment information. From this data set, the appellant reported the average improvement assessment per square foot of these 46 sold properties was \$30.66 per square foot of living area, which is higher than the subject's per-square-foot improvement assessment.

The second data set consists of a two page spreadsheet listing 68 improved properties in Wilcox Subdivision, including the subject. The dwellings were built between 1967 and 1994 and they range in size from 1,232 to 4,000 square feet of living area. The only other descriptive data for the properties on the sheets consists of the number of total rooms, bathrooms, and bedrooms for each property. The appellant reported these properties have an average improvement assessment of \$29.59 per square foot of living area.

In support of the overvaluation argument, the appellant completed Section VI of the Residential Appeal form concerning recent construction. While the land was said to have been purchased in 1976 as part of a larger tract, no specific land value was set forth in the appeal form. The appellant did report a building construction cost of \$70 per square foot or \$237,020. Further appellant reported that this figure did not include all the costs. The dwelling was reportedly occupied in 2007 and the owner did act as the general contractor which appellant estimated had a value of "approximately 15%." In addition, appellant attached a Sworn Statement of Contractor setting forth a total construction cost of \$262,000. In summary, the appellant's recent construction submission reflects building costs of \$262,000 plus the value of acting as one's own general contractor for a value of about \$39,300 plus a land value that was not stated in the appeal.

Based on the equity data of the neighboring comparable property, the appellant requested an improvement assessment reduction to \$109,232 and a total assessment reduction to \$124,898 which would reflect an estimated market value of approximately \$374,694.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$150,383 was disclosed. The subject has an estimated market value of \$450,788 or \$133.13 per square foot of living area, land included, as reflected by its assessment and Boone County's 2008 three-year median level of assessments of 33.36%. In response to the

appeal, the board of review submitted a three-page letter along with two grid analyses addressing separately equity and market value with applicable property record cards and photographs attached.

The board of review reported that the subject executive style dwelling is the only one of its kind in the subject's subdivision.

As to the appellant's examination of all dwellings in the subdivision, the board of review presented a grid analysis of seven comparables closest in age, size, style and quality of construction. Those seven properties were built between 1968 and 1994 and range in size from 1,305 to 2,920 square feet of living area. These properties have improvement assessments ranging from \$18.08 to \$40.52 per square foot of living area. The board of review reports that comparable #7 in this grid is the neighboring property appellant presented in his grid analysis. In appellant's data, he included 600 square feet of basement finish in the above-ground living area which, thus, under-reported the per-square-foot improvement assessment of this property.

As to the appellant's examination of all sales in Boone County, the board of review noted that of the 46 sales, two are in a rural township, one is a two-story home in the Village of Caledonia, six are in the village of Poplar Grove and 37 are sales in a gated community known as Candlewick Lake. Thus, the board of review contended these sales have no bearing on the valuation of the subject property due to lack of comparability.

On grounds of equity, the board of review presented four comparable properties said to be located within about 6-miles of the subject. The comparables consist of one-story frame dwellings that were built between 2002 and 2006. The dwellings range in size from 2,746 to 3,135 square feet of living area and feature full basements, one of which includes finished area. Each has central air-conditioning, one or two fireplaces, and a garage. These properties have improvement assessments ranging from \$92,436 to \$163,959 or from \$33.08 to \$58.45 per square foot of living area. Based on this evidence the board of review requested the subject's improvement assessment be confirmed.

As to the overvaluation argument, the board of review presented a listing for the subject property displaying listing prices of \$969,000 and \$840,000 in mid-July 2007. The board of review also pointed out descriptive remarks made in the listing of "natural wood all hand crafted," "stone fireplace," "Amish crown molding," "custom maple panels and etched art glass of a waterfall," and "theater room." In addition, the board of review presented a grid analysis of four suggested comparable sales located within 7-miles of the subject property. The dwellings were constructed between 1976 and 2003 and consist of a one-story/split level and three, one-story dwellings that range in size from 1,415 to 1,880 square feet of living area. Each dwelling has a basement, three of which include finished area. The homes also have central air

conditioning, a fireplace, and a garage. These properties sold between April and December 2007 for prices ranging from \$202,000 to \$275,000 or from \$122.13 to \$171.73 per square foot of living area including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and considering 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 further finds that a reduction in the subject's assessment is not warranted.

Initially the appellant's 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 appellant has not overcome this burden.

When an appeal is based on assessment inequity, the appellant has the burden to show the subject property is inequitably assessed by clear and convincing evidence. Proof of an assessment inequity should consist of more than a simple showing of assessed values of the subject and comparables together with their physical, locational, and jurisdictional similarities. There should also be market value considerations, if such credible evidence exists. The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

"the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is

the test.[citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21.

The Board finds the comparables submitted by the appellant have varying degrees of similarity to the subject. The listing of all the properties in the subject's subdivision displays locational similarity, however, the remaining data concerning age and size indicate that none of the properties is similar to the subject which is 2-years-old and contains 3,386 square feet of living area. Moreover, as shown by the board of review, the subject property in 2007 was placed on the market with asking prices of \$969,900 and \$840,000. None of the sales of properties in all of Boone County which were presented by the appellant rose to that value. Both the four sales and the four equity comparables presented by the board of review bracket and support both the estimated market value and the per-square-foot improvement assessment of the subject property. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's assessment is not warranted on grounds of lack of uniformity of assessment.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

The appellant also argued overvaluation as a basis of the appeal. 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 analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The appellant sought to present recent construction evidence to support a reduction in the assessed value of the subject property. The data presented, however, was not at all clear and somewhat contradictory. Although a contractor's statement was included where the construction was to be completed by May 1, 2005, the evidence indicated the home was not occupied until 2007 and despite having a general contractor's affidavit, the appellant reported having acted as his own general contractor.

The value estimate for those services at "15%" was not clearly articulated and the appellant's statement of the building cost of \$70 per square foot conflicted with the contractor's affidavit of \$262,000. Thus, in conclusion, the Property Tax Appeal Board fails to find the recent construction evidence presented by the appellant to have proved by a preponderance of the evidence that the subject with an estimated market value of \$450,788 was overvalued.

Further supporting the lack of evidence of overvaluation was the presentation by the board of review of a listing sheet for the subject property indicating that in July 2007 the asking prices for the property were \$969,900 and \$840,000, respectively.

Based on the four sales presented by the board of review, the Property Tax Appeal Board finds the subject's assessment reflects a market value that falls within the range established by the most similar comparables on a per-square-foot basis. After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

In conclusion, the Board finds the appellant has failed to prove unequal treatment in the assessment process by clear and convincing evidence, or overvaluation by a preponderance of the evidence, and thus the subject's assessment as established by the board of review is correct and no reduction is 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 M. Louie

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 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.