



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

APPELLANT: Brian & Marci Borchardt
DOCKET NO.: 08-03017.001-R-1
PARCEL NO.: 18-14-31-379-007

The parties of record before the Property Tax Appeal Board are Brian & Marci Borchardt, the appellants; 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: \$2,138
IMPR.: \$14,215
TOTAL: \$16,353

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,300 square foot parcel improved with a 91 year-old, bungalow style frame dwelling that contains 978 square feet of living area. Features of the home include a full basement and a one-car detached garage. The subject is located in Freeport, Freeport Township, Stephenson County.

The appellants appeared before the Property Tax Appeal Board in the person of Brian Borchardt claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted Multiple Listing Service data sheets and a grid analysis of four comparable properties located two to eleven blocks from the subject. The comparables were described as two-story or one-story style frame dwellings, built between 1897 and 1937, which range in size from 945 to 996 square feet of living area. All the comparables have full or partial unfinished basements and one has a one-car garage. The comparables sold between April and June 2008 for prices ranging from \$17,500 to \$34,000 or from \$18.51 to \$34.13 per square foot of living area including land. The appellants' evidence disclosed that the

subject sold in September 2007 for \$24,000. The appellants' petition did not indicate the terms and conditions related to this sale. Based on this evidence the appellants requested the subject's total assessment be reduced to \$8,000, reflecting a market value of approximately \$24,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$16,353 was disclosed. The subject has an estimated market value of approximately \$49,064 or \$50.17 per square foot of living area including land, as reflected by its assessment and the Stephenson County 2008 three-year median level of assessments of 33.33%.

In support of the subject's assessment, the board of review submitted a letter, aerial photographs, Real Estate Transfer Declarations, property record cards and grid analyses of six comparable properties, as well as a grid of the appellants' comparables. The board of review's comparables consist of bungalow style dwellings that were built between 1920 and 1942 and range in size from 754 to 1,020 square feet of living area. Features of the comparables include full or partial basements, three of which have some finished areas. Three comparables have central air conditioning, four have a fireplace and five have garages that range in size from 160 to 360 square feet of building area. The comparables sold between February 2007 and October 2008 for prices ranging from \$44,000 to \$81,575 or from \$51.62 to \$79.98 per square foot of living area including land. Regarding the subject's September 2007 sale for \$24,000, the board of review argued the seller was the Secretary of Housing and Urban Development through a judicial deed out of foreclosure and the sale was thus not an arm's-length transaction. The board of review's letter disclosed that the appellants' comparable #1 was a 1.5-story dwelling and their comparable #2 was a two-story dwelling, both of which are dissimilar to the subject's bungalow design. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants argued many of the board of review's comparables were invalid because they sold in 2007. The appellants also contend the board of review's comparables had features that were superior to the subject dwelling, arguing a finished basement justified a \$15,000 adjustment and a finished attic justified a \$10,000 adjustment. No basis for these purported adjustments was supplied.

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 this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellants contend overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellants have failed to meet this burden.

The Board finds the parties submitted ten comparables in support of their respective arguments. The Board gave less weight to the appellants' comparables #1 and #2 because they differed in design when compared to the subject. The Board finds the remaining comparables were similar to the subject in design, living area and most features and sold for prices ranging from \$31,000 to \$81,575 or from \$31.38 to \$79.98 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of approximately \$49,064 or \$50.17 per square foot of living area including land falls within this range. Therefore, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Board finds the appellants have failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J.R.

Acting 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: December 23, 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.