



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

APPELLANT: Robert & Christine Millenacker
DOCKET NO.: 08-03284.001-R-1
PARCEL NO.: 06-204-109-00

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

**LAND: \$21,803
IMPR.: \$50,285
TOTAL: \$72,088**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of .765-acre of land area is improved with a one-story frame exterior constructed single-family dwelling built in 1982. The dwelling consists of approximately 1,556 square feet of living area with a full basement of which 1,200 square feet is finished. Additional features of the dwelling are central air conditioning, a fireplace,¹ and a 405 square foot garage. The subject property is located in Galena, East Galena Township, Jo Daviess County.

The appellants filed this appeal contending overvaluation of the subject property. In support of this market value argument, the appellants presented an August 2003 purchase price of the subject property along with a recent appraisal.

As to the recent sale data in Section IV of the Residential Appeal form, the appellants reported the subject property was purchased in August 2003 for \$171,000 from the previous owners. The appellants also reported the parties to the transaction were

¹ The appraiser reports two fireplaces for the subject property.

unrelated and the property was sold after being advertised. The appellants did attach a copy of the Final Statement with a settlement date of August 23, 2003 and the purchase price of \$171,000.

As to the appraisal, the client for purposes of the appraisal was First Community Bank of Galena and the appraisal was prepared for a refinance transaction appraising the fee simple rights. The report was prepared by A. Wayne Mraz, a State Certified Residential Real Estate Appraiser, employed with Territory Galena Area Appraisals.

For this report, the appraiser used the sales comparison approach to value in concluding an opinion of market value of \$216,000 or \$138.82 per square foot of living area including land for the subject property as of May 14, 2009.

Based on the appraisal, appellants argued that the subject's total assessment should be reduced to \$64,807 which would reflect an estimated market value of \$194,421.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of \$72,088 was disclosed. The final assessment of the subject property reflects a market value of \$218,382 or \$140.35 per square foot of living area including land based on the 2008 three-year median level of assessments for Jo Daviess County of 33.01%.

In support of the subject's assessment, the board of review submitted a letter along with a grid analysis of eight comparable sales. The sales which occurred between 2005 and 2007 ranged from \$157.59 to \$217.39 per square foot of living area including land. Since the subject has an estimated market value of approximately \$140.35 per square foot of living area including land, which is similar to the appraisal submitted by the appellants, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

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 Board further finds that a reduction in the subject's assessment is not warranted.

The appellants argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code Sec. 1910.65(c)). The

Board finds this burden of proof has not been met and a reduction in the subject's assessment is not warranted on this record.

As an initial argument, the appellant contends the subject's assessment should be reduced based on the sale of the subject as set forth in the record. The evidence disclosed that the subject sold in August 2003 for a price of \$171,000. The Board finds this sale data is too remote in time to the assessment date of January 1, 2008 to be a valid indicator of the subject's market value as of the assessment date.

The Board also finds the appellant submitted an appraisal of the subject property with an opinion of value of \$216,000 as of May 14, 2009, while the board of review submitted no appraisal, but provided eight sales. The appraisal's valuation date is 17 months after the assessment date at issue and has therefore been given less weight on this record. Despite the date of the appraisal, however, the Board notes that the appraisal and the subject's estimated market value based on its assessment differ by only \$2,382, which could well be explained by the declining area market trends as reported by the appraiser.

After considering the record evidence from both parties, the Property Tax Appeal Board finds the appellants 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.

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

JR

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.