



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

APPELLANT: David Kraaz
DOCKET NO.: 08-03313.001-R-1
PARCEL NO.: 06-31-453-020

The parties of record before the Property Tax Appeal Board are David Kraaz, the appellant, 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: \$14,667
IMPR.: \$66,053
TOTAL: \$80,720

Subject only to the State multiplier as applicable.

ANALYSIS

The subject .31-acre lot is improved with a two-story frame exterior constructed single family dwelling built in 2002. The dwelling consists of 2,608 square feet of living area with a full unfinished basement, central air conditioning, a fireplace, and a two-car garage of 418 square feet of building area. The subject property is located in Belvidere, Bonus Township, Boone County.

The appellant appeared before the Property Tax Appeal Board contending the market value of the subject property is not accurately reflected in its assessed valuation. At the time of hearing, the appellant requested that the matter be decided on the written record. The board of review had no objection to that request. Therefore, other than an inquiry by the Hearing Officer regarding documents attached to the Residential Appeal form, this decision will be based on the written record.

In support of the overvaluation argument, the appellant submitted an appraisal prepared by real estate appraiser Susan Hawkins of Cobblestone Appraisals, Inc. estimating the subject property had a market value of \$213,000 as of January 2, 2009. The appraisal determined fee simple property rights for purposes of "asset valuation."

The appraisal form is noted as "Exterior-Only Inspection Residential Appraisal Report." The report displays that the source used for the characteristics of the property were "assessment and tax records." However, in the comments on the condition of the improvements, the appraiser wrote, "The subject has been well maintained and updated with less than normal amounts of physical depreciation noted in the cost approach and is reflected in the effective age." Furthermore, in the cost approach on page 3 of the report, the appraiser only reported a land value of \$30,000 with no other calculations performed to determine the replacement cost new of the improvements or any depreciation.

Utilizing the sales comparison approach, the appraiser analyzed sales of three comparable homes which were located between 0.06 and 0.99 miles from the subject property. The appraiser reported these were not foreclosure properties. The comparables consist of two-story frame or brick and frame dwellings which were 5 or 7 years old. The comparables ranged in size from 2,042 to 2,780 square feet of living area. Each of the comparable properties has a full unfinished basement, central air conditioning, and a two-car garage. Two comparables also have a fireplace. These comparables sold in August or October 2007 for prices ranging from \$185,000 to \$219,500 or from \$76.98 to \$95.39 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for dwelling size, fireplaces, fences and porch/patio/deck amenities. The adjustments were discussed noting sales #1 and #3 were given upward size adjustments of \$28.00 per square foot of living area and sale #2 was given a downward size adjustment of \$48.16 per square foot of living area. The appraiser further reported that the three sales were considered to be similar in quality and condition to the subject and were given equal consideration. This analysis resulted in adjusted sales prices for the comparables ranging from \$202,348 to \$224,596 or from \$76.33 to \$99.09 per square foot of living area land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$213,000 or \$81.67 per square foot of living area including land.

The appellant also submitted a spreadsheet entitled "board of review comparables" that had descriptions, assessments and sales data on four properties said to be located in Farmington Fields subdivision. These properties are also set forth as board of review comparables #1 through #4 in the board's responsive evidence in this appeal. Briefly described, these two-story frame dwellings range in age from 6 to 8 years old. The dwellings contain either 2,588 or 2,608 square feet of living area. The homes feature partial unfinished basements, central air conditioning, a fireplace and either a 380 or 400 square foot garage. These properties sold between May and October 2007 for prices ranging from \$195,000 to \$271,500 or from \$74.77 to \$104.91 per square foot of living area including land.

The appellant also included a parcel map highlighting two properties 'across the street' from the subject which had reportedly received assessment reductions in 2008. The appellant presented two print outs which indicated these properties had 2008 total assessments of \$78,491 and \$85,857. No other descriptive information on these properties was presented by the appellant.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$71,000 which would reflect a market value of approximately \$213,000 as reflected in the appraisal.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$80,720 was disclosed. The final assessment of the subject property reflects a market value of \$241,966 or \$92.78 per square foot of living area including land using the 2008 three-year median level of assessments for Boone County of 33.36%. In a three-page memorandum with attachments, the board of review addressed both the appellant's evidence and the evidence presented by the board of review in support of the subject's assessment.

As to the appellant's appraisal evidence, the board of review criticizes the appraiser's written description of the location of the subject property and the neighborhood description where, contrary to the report, the subject is not located adjacent to Spencer Park. The board of review criticized the effective date of the appraisal being one year after the assessment date at issue which is January 1, 2008. Moreover, the appraiser's use of sales from 2007 to arrive at a value as of January 2, 2009 without any time adjustments was inappropriate according to the board of review.

Analyzing two of the individual sales in the appraisal, the board of review contends sale #1 is located in a different subdivision which is only appropriate if sales in the subject's subdivision were not available. In addition, sale #1 was transferred using an executor deed. Based on guidelines from the Illinois Department of Revenue, such a sale is not a valid arm's length transaction "because the circumstances of an estate sale may be suspect." This property also enjoys a full finished basement which was not noted in the appraisal report. In addition, sale #3 was reportedly not exposed to the market prior to sale making the "circumstances of the sale unknown to the appraiser and a questionable sale."

In support of the subject's estimated market value based on its assessment, the board of review submitted a spreadsheet of eleven comparable sales; sales #1 through #5 were similar to the subject in size and age while sales #6 through #11 are one year old dwellings that would compete for the same buyers as the subject property according to the board of review. The comparables were located in the subject's subdivision and described as two-story

frame dwellings ranging in size from 2,420 to 2,781 square feet of living area. The dwellings range in age from 1 to 8 years old and feature basements, one of which has finished area. Each home has central air conditioning and an attached garage ranging in size from 380 to 620 square feet of building area. Nine comparables have one or two fireplaces and one comparable has a shed. The properties sold between January and December 2007 for prices ranging from \$195,000 to \$279,184 or from \$74.77 to \$111.58 per square foot of living area including land.

Based on the foregoing evidence, 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 appellant 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). The Board finds this burden of proof has not been met and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal of the subject property with a final value conclusion of \$213,000 as of January 2, 2009, while the board of review submitted eleven sales. Both parties analyzed sales which occurred in 2007, however, the appraiser reported that a value effective January 2, 2009 was being determined, although no time adjustment was made to the sales data. Given that the board of review was able to present eight sales from 2007 in the subject's subdivision that ranged in size from 2,588 to 2,640 square feet of living area, the Property Tax Appeal Board finds that the appellant's appraisal, which chose to analyze three sales of 2,041, 2,301 and 2,780 square feet of living area, respectively, should be given less weight as the appraiser's selection of these dissimilar sales calls into question the validity of the appraisal analysis.

The Board finds the eight sales presented by the board of review which were most similar to the subject in size, sold between February and December 2007 for prices ranging from \$74.77 to \$106.56 per square foot of living area including land. The subject has an estimated market value of \$241,966 or \$92.78 per square foot of living area including land. The 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.

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.