



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

APPELLANT: Dwight & Peggy Tinney
DOCKET NO.: 08-06412.001-R-1
PARCEL NO.: 14-19.0-301-041

The parties of record before the Property Tax Appeal Board are Dwight & Peggy Tinney, the appellants; and the St. Clair 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 St. Clair County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$16,678
IMPR.: \$51,300
TOTAL: \$67,978

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story brick and frame dwelling containing 1,966 square feet of living area that was built in 1986. Features include central air conditioning, an attached two-car garage, one fireplace and a full unfinished basement. The dwelling is situated on 2.18 acres of land.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellants submitted an appraisal report estimating a fair market value for the subject property of \$175,000 as of June 26, 2009. The appraiser utilized two of the three traditional approaches to value.

In the cost approach, the appraiser estimated the value of the subject's site to be \$28,000. The appraiser indicated the site value estimate was based on a sales analysis of comparable lots in the neighborhood of the subject property. However, no evidence of comparable land sales were contained in the report. The appraiser next estimated the replacement cost new for the subject of \$170,761 using Marshall and Swift Cost Guide. Accrued

depreciation based on the age/life method was estimated to be \$14,224, resulting in a depreciated cost new of \$156,537. Site improvements were not included. The appraiser determined a value for the subject under the cost approach of \$184,537 as of June 26, 2009.

In the sales comparison approach to value, the appraiser utilized sales of three suggested comparable properties located from 0.64 to 1.29 miles from the subject. The comparables are improved with a tri-level, a one-story and a one and one-half story dwelling of brick and siding construction. The dwellings range from eight to 18 years old. Amenities include central air conditioning, one fireplace, full basements and two-car garages. In addition, one basement is partially finished. Lot sizes range from .25 to .36 acres of land area. The dwellings range in size from 1,744 to 1,776 square feet of living area. The comparables sold from September 2008 to June 2009 for sale prices ranging from \$163,000 to \$171,000 or from \$93.14 to \$98.05 square foot of living area including land. After adjusting the comparables for differences when compared to the subject in age, land size, dwelling size, basement finish and other amenities, the appraiser calculated that the comparables had adjusted sales prices ranging from \$172,280 to \$178,400 or from \$98.15 to \$102.29 per square foot of living area including land. Based on these adjusted sale prices, the appraiser concluded the subject property had an estimated market value of \$175,000 or \$93.18 per square foot of living area including land as of June 26, 2009. Based on the evidence provided, the appellants requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$67,978 was disclosed. The subject's assessment reflects an estimated market value of \$203,527 or \$103.52 square foot living area, including land using St Clair County's 2008 three-year median level of assessments of 33.40%. The board of review also argued that the supplied appraisal submitted by the appellants is not an accurate representation of the value of the subject property as of the effective date of the appraisal.

In support of the subject's assessment, the board of review submitted property record cards and an analysis of four suggested comparable properties. A map was submitted showing the proximate location of the subject property and comparables. The comparables are located from 290 to 600 feet from the subject property. The comparables have lots that contain from 16,156 to 49,089 square feet of land area. The comparables are improved with one-story or one and one-half story masonry or masonry and frame dwellings. The comparables were built from 1969 to 1993. The comparables have full basements, three of which are fully or partially finish. Other features include central air conditioning and two-car garages. The dwellings range in size from 1,344 to 1,830 per square feet of living area. Three of the comparables sold from April 2008 to September 2008 for sale prices ranging from \$177,000 to \$250,000 or from \$112.31 to

\$145.09 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's 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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellants argued the subject property was overvalued. 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). The Board finds the appellants have not met this burden of proof.

The appellants' appraisal report estimates the subject property has a fair market value of \$175,000 as of June 26, 2009. The Board finds the effective valuation date of the appraisal is over 18 months subsequent to the subject's January 1, 2008, assessment date. In addition, the Board finds comparables 1 through 3 contained in the appraisal are dissimilar in age, design and/or land area when compared to the subject. Furthermore, all of the comparables contained in the appraisal are located outside the subject's subdivision. Finally, comparables 2 and 3 sold in June 2009 and are considered less indicative of the subject's fair market value as of its January 1, 2008, assessment date.

The Property Tax Appeal Board gave no weight to the board of reviews comparable 1. The assessment information given did not address the appellant's argument of the subject's fair market value. Comparables 2 through 4 submitted by the board of review are most similar to the subject in location and most features. Comparables 2 and 3 are similar in design and age. However, all of the comparables have finished basements and considerably less land area than the subject property. These comparables sold from April 2008 to September 2008 for sale prices ranging from \$177,000 to \$250,000 or from \$112.31 to \$145.09 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$203,527 or \$103.52 per square foot of living area including land, which falls below the range established by the similar comparables contained in this record on a per square foot basis. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is justified. Therefore, no reduction is warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellants failed to demonstrate the subject property was overvalued by a preponderance of the evidence 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 Morris

Member

J. R.

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: March 23, 2012

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.