



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

APPELLANT: Craig A. Perry
DOCKET NO.: 08-07037.001-R-1
PARCEL NO.: 18-13-26-354-004

The parties of record before the Property Tax Appeal Board are Craig A. Perry, the appellant, and the Stephenson County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$12,487
IMPR.: \$42,997
TOTAL: \$55,484

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel contains 13,410 square feet of land area.¹ The parcel is adjacent to Park Hills Golf Course and is improved with a one-story frame dwelling containing 1,790 square feet of living area. The home was built in 1991 and features a full unfinished basement, a 176 square foot enclosed porch and an attached three-car garage of 774 square feet of building area. The property is located in Freeport, Freeport Township, Stephenson County.

The subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 07-04550.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$53,580 based on the evidence submitted by the parties. However, the board of review reported that 2008 was the first year of the quadrennial

¹ The descriptive information regarding the subject is drawn primarily from the board of review's report that a re-measure of the subject property occurred in April 2009 altering the dwelling size and garage size, added an enclosed porch, and altered the land size.

reassessment in Freeport Township. Therefore, the provisions of Section 16-185 of the Property Tax Code are not applicable to this appeal.²

The appellant submitted information on four sales comparables located from .05 to .38 of a mile from the subject to demonstrate that the subject was being overvalued. Each parcel is improved with a one-story frame dwelling built between 1989 and 1997. The dwellings range in size from 1,627 to 1,844 square feet of living area. Each comparable has central air conditioning and an unfinished basement, one of which is described as an "exposed" basement. Three of the comparables have a fireplace and each has a two-car garage. The comparables sold between March 2006 and July 2007 for prices ranging from \$138,900 to \$161,000 or from \$78.03 to \$98.96 per square of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$53,580 or a market value of approximately \$160,740 or \$89.80 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$59,583 was disclosed. The subject's assessment reflects an estimated market value of \$178,767 or \$99.87 per square foot of living area including land using the 2008 three-year average median level of assessments for Stephenson County of 33.33%.

The board of review submitted data prepared by the Freeport Township Assessor. The assessor reported, among other things, that the subject has a direct view of the golf course and there were only two sales, in 2006 and 2008, respectively, of properties with a similar location to the subject. The township assessor wrote:

In the marketing area of the subject there have been desired 3 amenities that buyers have paid a premium. They are a 3 car garage, a walkout basement and a large portion of finished basement.

² Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect **for the remainder of the general assessment period as provided in Sections 9-215 through 9-225**, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. [Emphasis added.]

As to these desired amenities, the board of review's submission acknowledges that the subject property only has the three-car garage.

As to the appellant's comparable sales, the board of review contends these properties were inferior to the subject in garage stalls, number of bedrooms (functional), and/or location. Additionally, the appellant did not report that his comparable #3 has a walkout-style basement and his comparable #2 has a part exposed basement.

In support of the subject's estimated market value based on its assessment, the assessor presented a spreadsheet of nine comparable sales. Board of review comparable #2 was the same as appellant's comparable #3 and board of review comparable #7 was the same as appellant's comparable #1. An aerial photograph depicted the board of review's comparables being from nearby the subject to .79 of a mile from the subject. The assessor's seven new comparable sales indicate comparable #9 has a "golf course view" like the subject as does the common comparable identified as appellant #1/board of review #7. These seven sales presented by the assessor were of one, two-story and six, one-story dwellings. The assessor's spreadsheet failed to identify the exterior construction of these homes, but the dwellings were built between 1988 and 2002. They range in size from 1,614 to 2,467 square feet of living area. Each features a basement, six of which include finished area; six are walkout-style and one is "part exposed." Each home has central air conditioning, one or two fireplaces and a two-car or three-car garage ranging in size from 528 to 760 square feet of building area. These seven comparables sold between February 2006 and October 2008 for prices ranging from \$178,000 to \$329,000 or from \$99.29 to \$133.36 per square foot of living area including land.

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 a reduction in the subject's assessment is warranted.

The appellant contends the assessment of the subject property is excessive and not reflective of its 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. 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, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does support a reduction in the subject's assessment.

The parties submitted a total of eleven comparable sales for the Board's consideration. The Board has given less weight to board

of review comparable #9 due to its two-story design and dwelling size when compared to the subject. The Board finds the remaining ten comparables submitted by both parties were most similar to the subject in size, design, location and/or age, despite many of the comparables having a superior foundation feature and finish as compared to the subject. However, due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between March 2006 and June 2008 for prices ranging from \$138,900 to \$202,000 or from \$78.03 to \$112.14 per square foot of living area, including land. Based on the arguments presented by the board of review, except for appellant's comparables #1, #2 and #4, each of the other most similar comparables have the superior and desirable feature of a walkout-style basement which is not enjoyed by the subject property. Of these walkout basements, four are substantially finished, one is partially finished and two are unfinished. As compared to these superior desired amenities of a large portion of finished walkout basement, the subject has an unexposed unfinished basement.

The subject's assessment reflects a market value of approximately \$178,767 or \$99.87 per square foot of living area, including land, despite not having a finished walkout-style basement. While the subject's estimated market value on a per-square-foot basis falls with the range of these comparable sales, in light of this record, the Property Tax Appeal Board finds that the subject's assessment reflects a market value that is excessive in light of its unfinished unexposed basement and justifies a reduced estimated market value as compared to the sales presented by the board of review. After considering the most comparable sales on this record, the Board finds the appellant did demonstrate that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment 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: August 28, 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.