



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

APPELLANT: Andrew & Gloria Schlueter
DOCKET NO.: 09-00250.001-R-1
PARCEL NO.: 14-2-15-11-14-304-003

The parties of record before the Property Tax Appeal Board are Andrew & Gloria Schlueter, the appellants; and the Madison 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 **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$6,250
IMPR: \$110,475
TOTAL: \$116,725

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 11,250 square foot parcel improved with a 2.5-story style frame dwelling that is 129 years old and contains 4,114 square feet of living area. Features of the home include central air-conditioning, a two-car garage and a full, partially finished basement.

Appellant, Andrew Schlueter, appeared on behalf of the appellants before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of October 26, 2009. The appraiser used the cost and sales comparison approaches in estimating a value for the subject of \$234,000.

In the cost approach, the appraiser determined a land value of \$30,000 after examination of vacant lot sales in the subject's marketing area. The appraiser consulted the Marshall & Swift Cost Manual in estimating a replacement cost new of the improvements of \$371,420. Depreciation of \$115,140 was subtracted from this figure, leaving a depreciated value of the

improvements of \$256,280, to which site improvements of \$10,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$296,300.

In the sales comparison approach, the appraiser examined five comparable properties. The comparables are situated on lots ranging in size from 8,500 to 20,664 square feet and are improved with 1.5-story or 2-story style frame dwellings that ranged in age from 79 to 117 years old and range in size from 1,900 to 2,729 square feet of living area. Features of the comparables include central air-conditioning, a two-car garage or carport and full or partial basements, with one having a partially finished basement. Three of the comparables sold from May 2008 to September 2009 for prices ranging from \$182,000 to \$263,000 or from \$82.73 to \$96.37 per square foot of living area, including land. Two of the comparables were sales listings that listed for prices of \$219,000 and \$199,900 or \$105.21 and \$113.83, respectively, per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as site size, view, living area, basement finish, decks, porches and/or patios. After making these adjustments, the comparables had adjusted sales prices ranging from \$207,900 to \$280,300. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$234,000 or \$62.70 per square foot of living area, including land using 3,732 square feet of living area. The appraiser was not present at the hearing to provide direct testimony or subject to cross-examination. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$130,170 was disclosed. The subject has an estimated market value of \$390,315 or \$94.87 per square foot of living area¹ including land, as reflected by its assessment and Madison County's 2009 three-year average median level of assessments of 33.35%.

In support of the subject's estimated market value, the board of review submitted an appraisal also prepared for the appellants with an effective date of September 2, 2009. The appraiser used the sales comparison approach in estimating a value for the subject of \$350,000.

The appraiser examined three comparable properties. The comparables are situated on lots ranging in size from 24,300 to 217,800 square feet and are improved with 2-story style frame dwellings that ranged in age from 88 to 132 years old and range in size from 2,196 to 3,270 square feet of living area. Features of the comparables include central air-conditioning, a two-car garage and partial unfinished basements. The comparables sold from September 2007 to August 2008 for prices ranging from \$202,000 to \$338,000 or from \$84.10 to \$114.65 per square foot of

¹ Using 4,114 square feet of living area.

living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as site size, view, condition, living area, basement finish, workshop, decks, porches and/or patios. After making these adjustments, the comparables had adjusted sales prices ranging from \$311,500 to \$378,000. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$350,000 or \$85.08 per square foot of living area, including land using 4,114 square feet of living area. The appraiser was not present at the hearing to provide direct testimony or subject to cross-examination. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Board further finds a reduction in the subject property's assessment is warranted. 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.2nd 1256 (2nd Dist. 2000). The Board finds the evidence depicts a reduction is warranted.

The Board finds the appellants submitted an appraisal of the subject property in which the subject's market value was estimated to be \$234,000 as of October 26, 2009. The board of review also submitted an appraisal with an estimated market value of the subject of \$350,000 as of September 2, 2009. The Board finds neither appraiser was present at the hearing to provide direct testimony or subject to cross-examination regarding their final opinion of value or various adjustments made. Therefore, the Property Tax Appeal Board will only consider the raw sales data contained within each report.

Initially, the Board finds the best evidence of the subject's size is contained in the appraisal submitted by the board of review which contained a schematic footprint diagram of the subject property. Therefore, for purposes of this decision, the Board finds the subject contains 4,114 square feet of living area.

The Board finds that none of the comparables were truly similar to the subject based on size and design. The comparables used by both parties required significant adjustments to make them comparable to the subject, however, these adjustments were not taken in account in the Board's analysis because neither appraiser was present at the hearing to provide support for the adjustments made. The Board gave less weight to the appellants' comparables and the board of review's comparable #1 because these properties were significantly smaller than the subject. The Board also gave less weight to the board of review's comparable #3 because the land area was significantly larger than the subject. The Board finds the only evidence presented by the board of review depicts a market value of \$350,000, which is less than the subject's

estimated market value of \$390,315 as reflected by its current assessment. Therefore, the Board finds 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.

Donald 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: May 18, 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.