



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

APPELLANT: Scott & Nicole Nieman
DOCKET NO.: 09-00805.001-R-1
PARCEL NO.: 06-31-426-010

The parties of record before the Property Tax Appeal Board are Scott & Nicole Nieman, the appellants, by attorney James E. Tuneberg, of Guyer & Enichen in Rockford; 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: \$14,988
IMPR.: \$75,012
TOTAL: \$90,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,332 square foot parcel improved with a three year-old, two-story style dwelling of brick and frame exterior construction that contains 3,280 square feet of living area. Features of the home include central air conditioning, a full basement and a three-car attached garage. The subject is located in Belvidere, Belvidere Township, Boone County.

Through an attorney, the appellants submitted evidence to 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 January 1, 2009 that was prepared by certified residential appraiser Kyle Trenholm. The appraiser utilized the cost and sales comparison approaches in estimating the subject's value at \$232,000. Throughout his report, the appraiser utilized 3,220 square feet as the subject's living area. In his cost approach, the appraiser first estimated the subject's site value at \$46,000 and utilized the Marshall & Swift Cost Guide to

estimate the subject's replacement cost new at \$228,788. Depreciated of \$6,864 was subtracted to arrive at a depreciated cost of improvements of \$221,294. After adding back the site value, the appraiser estimated the subject's value by the cost approach at \$267,900.

In the sales comparison approach, the appraiser examined four comparable properties, one of which is located in the subject's subdivision, while three are located 1.80 to 3.80 miles from the subject. In his comments on the sales comparison approach, the appraiser stated "Due to a lack of similar sales in the subject's subdivision, it was necessary to utilize sales from competing subdivisions that would appeal to the same buyer group." The selected comparables consist of two-story style homes that were built between 2002 and 2008 and range in size from 2,368 to 3,593 square feet of living area. Features of the comparables include central air conditioning and three-car garages. Three comparables have full basements, while one home has a crawl space foundation. The comparables sold between March and December 2008 for prices ranging from \$215,000 to \$234,000 or from \$62.62 to \$98.82 per square foot of living area including land. The appraiser adjusted the comparables' sales prices for such items as room count, living area, foundation and porches. After adjustments, the comparables had adjusted sales prices ranging from \$229,680 to \$237,840 or from \$64.59 to \$100.44 per square foot of living area including land. Based on this analysis, the appraiser estimated the subject's value by the sales comparison approach at \$232,000.

Based on this evidence the appellants requested the subject's total assessment be reduced to \$77,333, reflecting the appraisal's estimated market value of \$232,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$90,000 was disclosed. The subject has an estimated market value of approximately \$271,411 or \$82.75 per square foot of living area including land, as reflected by its assessment and the Boone County 2009 three-year median level of assessments of 33.16%.

In support of the subject's assessment, the board of review submitted a letter, property record cards, photographs and a grid analysis of six comparable properties located in the subject's Farmington Fields subdivision. In the letter, the board of review stated the appellants' comparable #4 is a sale from a bank and that comparables #1 and #3 had "Lis Pendens" as shown on these two properties' property record cards, which "is an indication that the properties may be under some type of duress."

The board of review's comparables consist of two-story style frame dwellings that were built in 2004 or 2008 and range in size from 2,556 to 3,689 square feet of living area. Features of the comparables include central air conditioning, full or partial basements and garages that contain from 380 to 672 square feet of building area. Two comparables have a fireplace. The

comparables sold between January and May 2008 for prices ranging from \$210,000 to \$294,120 or from \$59.64 to \$93.14 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant argued four of the board of review's comparables were new construction and one comparable was considerably smaller than the subject.

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 contend overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellants have failed to meet this burden.

The Board finds the appellants submitted an appraisal of the subject property with a market value conclusion of \$232,000 as of January 1, 2009, while the board of review submitted six comparable sales in support of the subject's assessment. The Board finds the appellants' appraisal relied on four comparable sales, only one of which is in the subject's Farmington Fields subdivision. The appellants' appraisal stated "Due to a lack of similar sales in the subject's subdivision, it was necessary to utilize sales from competing subdivisions that would appeal to the same buyer group." In contrast, the board of review was able to find six comparables located in the subject's subdivision that sold in the year prior to the assessment date at issue in this appeal. For this reason, the Board gave less weight to the value conclusion in the appellants' appraisal, but will instead consider the raw data for the most similar comparable sales in the record that were submitted by both parties. The Board gave less weight to the appellants' comparable #1, even though it is located near the subject, because it had a crawl space foundation, dissimilar to the subject's full basement. The Board also gave less weight to the appellants' three remaining comparables and the board of review's comparables #1, #2 and #3 because all these homes were significantly smaller in living area when compared to the subject. The Board finds the board of review's comparables #4, #5 and #6 were similar to the subject in design, age, size, amenities and location and sold for prices ranging from \$220,000 to \$294,120 or from \$59.64 to \$89.67 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$82.75 per square foot of living area including land falls within this range. The Board notes the board of review's comparable #5 is identical to the subject in living area and its sale price is at the high end of the range of the most similar comparables.

Finally, the Board acknowledges the appellants argued in their rebuttal to the board of review's evidentiary submission that four of the board of review's comparables were "new construction", having been built in 2008. The Board finds the appellants' appraisal comparable #2 was also built in 2008. Thus, the appellants' evidence filed in this matter initially conceded the comparability of dwellings built in 2008 without adjusting for age. Based on this analysis, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Board finds the appellants have failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct 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 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.