



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

APPELLANT: Mary E. Ianni  
DOCKET NO.: 09-01143.001-F-1  
PARCEL NO.: 02-16-400-008

The parties of record before the Property Tax Appeal Board are Mary E. Ianni, the appellant, 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 a reduction 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:

<b>F/Land:</b>	\$244
<b>Homesite:</b>	\$29,484
<b>Residence:</b>	\$62,182
<b>Outbuildings:</b>	\$10,133
<b>TOTAL:</b>	\$102,043

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a five-acre parcel improved with a four year-old, one-story style dwelling that contains 2,102 square feet of living area. Features of the home include central air conditioning, a full "exposed" basement and a three-car garage. The subject is located in Capron, LeRoy 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 performed by a certified residential appraiser with a market value estimate of \$275,000 as of the report's effective date of January 1, 2009. No cost or income approaches were prepared by the appraiser. In the sales comparison approach, the appraiser examined three comparable properties located 11.62 to 13.99 miles from the subject. The appraiser described the comparables as two-story or

one-story homes that were built between 1994 and 2002 that range in size from 1,795 to 2,293 square feet of living area. Features of the comparables include central air conditioning, a fireplace, two-car or three-car garages and full or partial basements, two of which contain finished areas. The comparables were reported to have sold in June or September 2008 for prices ranging from \$275,000 to \$378,000 or from \$127.47 to \$164.85 per square foot of living area including land. The appraiser adjusted the comparables' sales prices for differences when compared to the subject, such as lot size, bedrooms, room count, living area, basement finish, garage size, fireplaces and outbuildings. After adjustments, the appraiser had adjusted sales prices ranging from \$233,850 to \$277,990 or from \$120.14 to \$130.28 per square foot of living area including land.

In his summary of the sales comparison approach, the appraiser explained he adjusted the comparables' sales prices downward 10% because the subject has only one bedroom, whereas the comparables had three or four bedrooms. The appraiser stated "No current sales of 1 bedroom improvements available to this appraiser at this time." The appraiser also noted comparable #1 appeared to be a realtor-owned property, but was exposed to the market through the Multiple Listing Service. The appraiser appears not to have included the subject's farmland or outbuildings in his valuation estimate. Based on this evidence the appellant requested the subject's improvement assessment be reduced to \$62,182 or \$29.59 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$132,261 was disclosed. In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a letter, property record cards, photographs, maps and grid analyses of eight comparable properties and the appellant's appraisal comparables. The board of review's comparables consist of one-story style frame or brick dwellings that were built between 1967 and 1995. Two comparables were reported to have been remodeled in 1991 and 1994. The comparable dwellings are situated on lots ranging in size from 1.89 to 5.88 acres and range in size from 1,588 to 3,108 square feet of living area. All the comparables have attached or detached garages that contain from 240 to 952 square feet of building area, seven comparables have central air conditioning, seven have a fireplace and seven have full or partial basements, two of which have finished areas. The comparables sold between January and November 2008 for prices ranging from \$235,000 to \$390,000 or from \$101.35 to \$173.39 per square foot of living area including land.

In its letter, the board of review argued the appellant's appraiser made a 10% adjustment to his comparables to account for the subject's one bedroom without support from the market. The board of review also argued the appraiser's comparable #1 was a sale under duress. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant submitted a statement by her appraiser, in which the appraiser acknowledged his comparable #1 was a realtor owned property, but that USPAP (Uniform Standards for Professional Appraisal Practice) requires that he examine "ALL sales that affect the subject." The appraiser agreed that the one-bedroom adjustment he made was not corroborated from the market, but stated "the market for new one-bedroom improvement(s) is limited." The appellant argued the board of review made no adjustments to its comparables for number of bedrooms, exterior construction or construction grade.

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 property's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted an appraisal of the subject property with a market value estimate of \$275,000 as of January 1, 2009, while the board of review submitted eight comparable properties. The Board finds the appellant's appraiser made logical and reasoned adjustments to the comparables for various differences when compared to the subject, most notably to account for the subject's one bedroom. The appraisal comparable #1 was described as a two-story home, but the board of review argued it is a one and one-half-story dwelling. The board of review also contends this comparable was a sale under duress out of foreclosure. The parties disputed this property's living area and outbuilding assessment. The Board finds the board of review's comparables were similar to the subject in design, but varied widely in living area and were 10 to 38 years older than the subject. The board of review made no apparent adjustments to its comparables for age, living area, number of bedrooms or exterior construction. The Board finds the appellant's appraiser adjusted for his comparables' three or four bedrooms as compared to the subject's one bedroom, although he acknowledged he had no support from the market for his adjustment. The Board finds the evidence submitted by both parties to this appeal indicates a modern (2005) home like the subject with only one bedroom appears to be a rarity. Based on this analysis, the Board finds the best evidence of the subject's market value in this record is found in the appellant's appraisal, exclusive of the subject's farmland and farm buildings. Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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.

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Chairman

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Member

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Member

*[Handwritten Signature]*

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Member

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Acting 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: November 18, 2011

*[Handwritten Signature]*

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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.