



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

APPELLANT: Nicholas & Faith Schlader
DOCKET NO.: 09-01236.001-R-1
PARCEL NO.: 04-11-252-003

The parties of record before the Property Tax Appeal Board are Nicholas & Faith Schlader, 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: \$9,927
IMPR.: \$37,678
TOTAL: \$47,605

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 12 year-old, one-story style frame dwelling that contains 1,358 square feet of living area. Features of the home include central air conditioning, a fireplace, a partial unfinished basement and a two-car garage. The subject is located in Capron, Boone Township, Boone County.

Through an attorney, the appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a sales listing describing the subject property and completed Section IV of the appeal petition. The appellant reported the subject sold in June 2008 for \$128,750 and was advertised for sale through multiple listing, although the duration of the listing was not indicated. The appellant also submitted a grid analysis of two comparable properties, which were described as one-story frame dwellings that were built in 1999 or 2000 and contain 1,252 and 1,323 square feet of living area. Features of the comparables include central air conditioning, a fireplace,

two-car garages and partial unfinished basements. The comparables were reported to have sold in June 2008 and October 2010 for \$101,300 and \$128,500 or \$80.91 and \$97.13 per square foot of living area including land. Based on this evidence the appellant requested the subject's total assessment be reduced to \$41,667, reflecting a market value of \$125,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$47,605 was disclosed. The subject has an estimated market value of approximately \$143,562 or \$105.72 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, photographs, property record cards and a grid analysis of three comparable properties located in the subject's subdivision. The comparables consist of tri-level style frame dwellings that were built between 1995 and 2000 and range in size from 1,296 to 1,447 square feet of living area. Features of the comparables include central air conditioning, garages that contain from 484 to 576 square feet of living area. Two comparables were described as having finished lower levels and two have a fireplace. The subject was also described as being a tri-level style home. The comparables sold between July 2007 and July 2008 for prices ranging from \$155,000 to \$165,000 or from \$114.03 to \$119.60 per square foot of living area including land. The board of review also submitted the Real Estate Transfer Declaration that documents the subject's June 2008 sale for \$129,000. The declaration indicated the subject was not advertised for sale or sold using a real estate agent. The board of review's letter further stated the seller was the Secretary of Veteran's Affairs by Special Warranty Deed. The board of review contends these factors indicate the subject's sale should not be considered arm's-length and "not a good indication of the current market." Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant submitted a copy of the subject's 2010 Boone County Notice of Assessment Change, which indicates the subject's assessment was reduced to \$41,667.

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 appellant contends 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 appellant has failed to meet this burden.

The Board finds the appellant submitted a listing describing the subject property and completed Section IV of the appeal petition. However, no settlement statement was submitted. The board of review submitted the Real Estate Transfer Declaration for the subject's sale, which indicated the subject was not advertised for sale or sold through a realtor. The listing for the subject submitted by the appellant does not indicate how long the home was listed for sale. Therefore, the Board gave less weight to the subject's June 2008 sale as a reliable indicator of the subject's market value. The Board next considered the comparable sales submitted by the parties. The appellant described her two comparables as one-story homes, whereas the subject and the board of review's three comparables were described as tri-level style homes. Photographs of the comparables indicate some portion of these homes may contain multiple levels and property record cards for both parties' comparables describe the homes as tri-level style dwellings. The Board gave less weight to the appellant's comparable sale #1 because it sold in October 2010, nearly two years after the subject's January 1, 2009 assessment date. The Board also gave less weight to the board of review's comparable #3 because it sold nearly 1 ½ years prior to the subject's assessment date at issue in this appeal. The Board finds the appellant's comparable #2 and the board of review's comparables #1 and #2 were similar to the subject in design, exterior construction, age, size and most features and sold for prices ranging from \$128,500 to \$157,000 or from \$97.13 to \$119.60 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$105.72 per square foot of living area including land falls slightly below this range. Therefore, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Board finds the appellant has 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. Lerski

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.