



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

APPELLANT: David Bobik
DOCKET NO.: 09-01406.001-R-1
PARCEL NO.: 08-31-400-014

The parties of record before the Property Tax Appeal Board are David Bobik, the appellant; 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:

LAND: \$33,499
IMPR.: \$56,501
TOTAL: \$90,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of masonry construction containing 2,250 square feet of living area.¹ The dwelling was built in 1969 with an addition in 2006. Features include a full basement, central air conditioning, a fireplace and a 540 square foot attached garage. The subject also has a 600 square foot out building. The dwelling is situated on 6.99 acres of land located in Spring Township, Boone County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property prepared by a state licensed appraiser. The appraisal report conveys an estimated market value for the subject property of \$270,000 as of January 1, 2009, utilizing the sales comparison approach to value.

¹ The appellant's appraiser reports the subject improvement has 2,250 square feet of living area. The board of review reports the subject has 2,206 square feet of living area. The Board will use 2,250 due to the appraiser's visual inspection noted within the appraisal report.

Under the sales comparison approach, the appraiser utilized four suggested comparable sales. The comparables are located from 4.60 to 7.98 miles from the subject property with lot sizes ranging from 1.89 to 6.5 acres. The comparables consist of one-story dwellings of frame or frame and masonry construction that contain between 1,588 to 2,275 square feet of living area. The dwellings range in age from 12 to 44 years old. The comparables have full basements, one of which is finished. Other features include central air conditioning, a fireplace and two-car attached garages. Three comparables also have small out buildings and one comparable has an additional two-car detached garage. The comparables sold from March 2008 to December 2008 for prices ranging from \$200,000 to \$290,000 or from \$100.70 to \$159.13 per square foot for living area including land. The appraiser made adjustments to the comparables' sale prices for site, age, condition, room count, size, other improvements and features. In reconciliation, the appraiser concluded a market value of \$270,000 for the subject property as of January 1, 2009. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$104,070 was disclosed. The subject's assessment reflects an estimated market value of \$313,842 or \$139.49 per square foot of living area including land using Boone County's 2009 three-year median level of assessments of 33.16%.

The board of review submitted a two page brief arguing that there are other sales in rural townships, within Boone County, that present a slightly different picture of value related to the subject property.

In support of the subject's assessment, the board of review submitted seven suggested comparable sales. Five comparables are located from 9 to 25 miles from the subject. Two comparables did not have their proximate location disclosed. The board of review included property record cards for both parties' comparables and a chart of their seven comparable sales. The seven comparables consist of one-story frame or brick dwellings that contain between 1,579 to 2,259 square feet of living area. The dwellings were built from 1960 to 2000 with lot sizes ranging from 2.93 to 10 acres of land area. Six comparables have unfinished basements and one comparable is on a crawl space foundation. Other features include central air conditioning, one or two fireplaces and attached garages ranging in size from 440 to 930 square feet of building area. Comparable #3 also has a 240 square foot detached garage. The comparables sold from May 2007 to June 2008 for prices ranging from \$241,000 to \$477,500 or from \$123.84 to \$224.60 per square foot of living area including land. The chart included adjustments for dissimilar features using the adjusted values per the appellant's appraisal and adjustments for time based on the method of trending for time used by the Illinois Department of Revenue. Based on the evidence presented, the

board of review requested confirmation of the subject's assessment.

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 a reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. 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.2d 1256 (2nd Dist. 2000). The Board finds the appellant has met this burden of proof.

The Board gave less weight to the board of review's comparables #2, #4, #5, #6 and #7 due to their 2007 sale dates occurring more than 1 year prior to the subject's January 1, 2009 assessment date. The Board hereby recognizes the time adjustments made to these 2007 sales; however, these adjusted sales do not overcome the similar 2008 sales contained in the appellant's appraisal which occurred more proximate to the January 1, 2009 assessment date. The Board further finds the board of review's two remaining comparables are more distant in location to the subject property than the comparables used by the appellant's appraiser. The appellant submitted an appraisal report estimating the subject property had a fair market value of \$270,000 as of January 1, 2009. The Property Tax Appeal Board gave more weight to the value conclusion in the appraisal report due to its effective date being probative to the subject's market value as of the January 1, 2009 assessment date. The Board finds the best indication of value for the subject property in the record is the value determined within the appellant's appraisal. The subject's assessment reflects an estimated market value of \$313,842 which is greater than the fair market value arrived at within the appellant's appraisal. The Board therefore finds a reduction commensurate with the appellant's request 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

JR

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: December 23, 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.