



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

APPELLANT: Mike & Tami Schaibly  
DOCKET NO.: 09-02262.001-R-1  
PARCEL NO.: 13-2-21-10-04-405-006

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

**LAND:** \$11,950  
**IMPR.:** \$66,060  
**TOTAL:** \$78,010

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a one-story brick and frame dwelling containing 2,088 square feet of living area that was built in 1997. Features include a full unfinished basement, central air conditioning, a fireplace and a 864 square foot attached garage. The dwelling is situated on approximately 57,600 square feet of land area. The subject property is located in Collinsville Township, Madison County.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted Multiple Listing Service (MLS) sheets, parcel information sheets and a grid analysis of four suggested comparable sales located in close proximity within the subject's subdivision. The comparables consist of one-story dwellings of brick and frame exterior construction that were built from 1987 to 1999. According to the MLS sheets, the comparables have full or partial basements with finished areas that range in size from 630 to 1,478 square feet. Other features include central air conditioning, one fireplace and garages that contain from 440 to 638 square feet. The dwellings were reported to range in size from 2,002 to 2,980

square feet of living area and have lots that contain from 10,400 to 25,220 square feet of land area. The comparables sold from March 2007 to November 2009 for prices ranging from \$108,000 to \$190,000 or from \$53.95 to \$67.06 per square foot of living area including land.

The evidence further revealed that the appellants did not file a complaint with the board of review, but filed this appeal directly to the Property Tax Appeal Board following receipt of the notice of an equalization factor, which increased the subject's assessment from \$73,750 to \$78,010. Based on this evidence, the appellants requested the Board remove the amount of assessment increase caused by the application of equalization factor or a final assessment of \$73,750.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$78,010 was disclosed. The subject's assessment reflects an estimated market value of \$233,913 or \$112.03 per square foot of living area including land using Madison County's 2009 three-year median level of assessments of 33.35%.

In support of the subject's assessment, the board of review submitted property record cards and a revised analysis of the comparable sales submitted by the appellants. The board of review's evidence indicates the appellants used incorrect dwelling sizes for the suggested comparable properties. Property record cards depict the dwellings range in size from 1,476 to 2,002 square feet of living area, which resulted in revised selling prices ranging from \$53.95 to \$124.18 per square foot of living area including land. The appellants did not refute the evidence submitted by the board of review. The board of review also argued comparable 2 is a "bank sale" and is invalid. Based on this evidence, 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 Board further finds no reduction in the subject's assessment is warranted.

The appellants argued the subject property is overvalued. 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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellants failed to overcome this burden of proof.

As an initial matter, the Property Tax Appeal Board finds the appellants inappropriately included below grade or finished basement area in the overall amount of total living area for the suggested comparables, as shown on their associated Multiple Listing Service sheets. The Board finds accepted real estate

valuation methodology provides that only above grade finished space is calculated in the total amount of living area for a particular property. Finished basements are considered an amenity or feature for valuation, assessment and comparison purposes. After reviewing the property record cards, the Board finds the comparables submitted by the appellants range in size from 1,476 to 2,002 square feet of living. Based on the corrected dwelling sizes, the comparables had sale prices ranging from \$53.95 to \$124.18 per square foot of living area including land.

The parties submitted information for the same four suggested comparable sales for the Board's consideration. The Board gave less weight to comparable 2 due to its older age when compared to the subject. The Board also gave less weight to comparable 4 due to its March 2007 sale date, which is dated and not a reliable indicator of market value as of the subject's January 1, 2009 assessment date. The Board finds the remaining two comparables are more similar when compared to the subject in location, design, age and features, but are smaller in dwelling and lots size when compared to the subject. These comparables sold in August 2008 and April 2009 for prices of \$173,500 and \$190,000 or \$113.25 and \$124.18 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$233,913 or \$112.03 per square foot of living area including land, which is less than the most similar comparable sales contained in this record on a per square foot basis. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is supported 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Marko M. Louie*

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: December 21, 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.