



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

APPELLANT: Martin Kapp
DOCKET NO.: 09-02886.001-R-1
PARCEL NO.: 16-07-151-002

The parties of record before the Property Tax Appeal Board are Martin Kapp, the appellant; and the Lee 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 Lee County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$34,632
IMPR.: \$53,701
TOTAL: \$88,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 0.58 acre riverfront site improved with a 2,317 square foot single family brick dwelling. The subject is a one-story residence constructed in 1959. Features of the home include a partial unfinished basement, two fireplaces, an attached two-car garage and a detached storage garage.

The appellant appeared 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 with an effective date of January 16, 2009. The appraiser used the sales comparison approach in estimating a value for the subject of \$235,000.

The appraiser examined three comparable properties. The comparables are situated on lots ranging in size from 0.40 to 0.49 acres of land area and are located from 0.09 to 4.87 miles from the subject. The comparables consist of one-story style brick or frame dwellings that ranged in age from 47 to 53 years old and ranged in size from 1,200 to 1,400 square feet of living area. Features of the comparables include central air-

conditioning and two-car attached garages. Two comparables have at least one fireplace and two have a full finished basement. The comparables sold from November 2007 to September of 2008 for prices ranging from \$220,000 to \$250,000 or from \$157.14 to \$187.50 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as design, age, room count, size, heating and cooling, fireplaces and/or various other amenities. After making these adjustments, the comparables had adjusted sales prices ranging from \$231,500 to \$247,900. The appraiser concluded a value for the subject by the sales comparison approach of \$235,000. The appraiser was not present to provide direct testimony or subject to cross examination regarding his final estimate of value or methodologies used. Based on this evidence, the appellant requested a reduction in the subject's assessment.

During cross examination, board of review representative, Wendy Ryerson questioned the appellant regarding improvements made to the home and the status of the improvements at the time the appraisal was completed. The appellant testified the improvements were substantially completed at the time of the home inspection by the appraiser. Additional living space was added by converting garage space into a bedroom, additional family room area and a closet.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$88,333 was disclosed. The subject has an estimated market value of \$268,082 or \$115.70 per square foot of living area, including land, as reflected by its assessment and Lee County's 2009 three-year average median level of assessments of 32.95%.

In support of the subject's estimated market value, the board of review submitted an addendum, a grid analysis of the appellant's comparables and three additional sale comparables (Exhibit "E"). The three comparables submitted by the board of review consist of stone or brick riverfront dwellings that were built between 1956 and 1966 and range in size from 1,628 to 1,988 square feet of living area. The comparables are situated on parcels of 0.49 or 1.35 acres of land area. Two of the comparables are located in the same subdivision as the subject with comparable #1 being located 4.80 miles from the subject. Two of the comparables have central air-conditioning, each has at least one fireplace, one has a partial unfinished basement, and two have a full basement with one having a finished basement area. Each comparable has an attached two-car garage, one has a sun room, one has a boat house and one has an additional detached garage. The comparables sold between May 2008 and April 2010 for prices ranging from \$220,000 to \$315,000 or from \$135.14 to \$163.93 per square foot of living area, including land. The comparables were adjusted for such items as date of sale, site size, condition, size of living area, basement, basement finish, fireplace and/or other amenities. The comparables had adjusted sale prices ranging from \$259,280 to

\$298,080. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony 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 not warranted.

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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellant has not met this burden.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$235,000 as of January 16, 2009. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination regarding his methodology or final value conclusion. The Board finds the appraiser's estimate of value less credible because additional improvements were still required to be made at the time of inspection and properties located in close proximity to the subject were not used or otherwise discussed in the appraisal, therefore, the Board will only consider the raw sales data contained within the appraisal report.

The board of review submitted three comparable sales that sold for prices ranging from \$220,000 to \$315,000. The Board gave less weight to the board of review's comparable #1 based on it being located outside of the subject's neighborhood 4.80 miles from the subject. The Board also gave less weight in its analysis to the appellant's comparables based on their significantly smaller size when compared to the subject. The Board finds it problematic that the appraiser did not use two recent sales located within the subject's subdivision which were more similar in size when compared to the subject.

The Board finds the board of review made logical adjustments to its comparables to account for differences when making comparisons to the subject. The Board further finds the best evidence in this record of the subject's estimated market value are comparables #2 and #3 submitted by the board of review. These two most similar comparables had adjusted sales prices of \$259,280 and \$270,640. The subject's estimated market value as reflected by its assessment is \$268,082, which falls between these sales. The Board finds these two comparables represent the most similar comparables contained in this record with sale dates close to the assessment date in question. After considering the adjustments and differences when compared to subject, the Board finds the subject's estimated market value as reflected by its assessment is supported.

In conclusion, the Board finds the appellant has not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and a reduction is not 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

Mario Morris

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: November 30, 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.