



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

APPELLANT: Gregg Petracek  
DOCKET NO.: 09-03011.001-R-1  
PARCEL NO.: 15-10-01-151-023

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

**LAND:** \$51,545  
**IMPR:** \$122,965  
**TOTAL:** \$174,510

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 18,730 lake front parcel improved with a two-story dwelling that contains approximately 3,100 square feet of living area. The subject, which was built in 2007, has cement board exterior. Features of the home include a full finished basement, air conditioning, a fireplace and a 2.5-car garage. The subject is located in Davis, Rock Grove Township, Stephenson County, Illinois.

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 1, 2009. The appraiser used the sales comparison approach in estimating a value for the subject of \$507,000.

The appraiser examined three comparable properties. The sale comparables consist of one-story or two-story dwellings that range between 5 and 10 years old and range in size from 1,951 to 2,659 square feet of living area. Each comparable is depicted as being located on Lake Summerset, similar to the subject.

Features of the comparables include full finished basements, one to three fireplaces and 2.5-car garages. The comparables sold from February to December 2008 for prices ranging from \$485,000 to \$519,800 or from \$187.29 to \$266.43 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as date of sale, site, room count, size, basement finish, fireplace count and miscellaneous amenities. After making these adjustments, the comparables had adjusted sales prices ranging from \$472,500 to \$558,800 or from \$177.70 to \$286.42 per square foot of living area, including land. The appraiser concluded a value for the subject by the sales comparison approach of \$507,000. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination. Based on this evidence, the appellant requested a reduction in the subject's assessment.

In addition, the board of review noted various differences between the adjustments and data contained in the subject's original appraisal and another appraisal which was submitted by the appellant as rebuttal evidence.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$174,510 was disclosed. The subject has an estimated market value of \$527,539 or \$170.17 per square foot of living area, including land, as reflected by its assessment and Stephenson County's 2009 three-year average median level of assessments of 33.08%.

In support of the subject's estimated market value, the board of review submitted a brief, an adjustment grid, property record cards and a grid analysis of 6 comparables. The 6 comparables consist of frame one-story or two-story dwellings that were built between 1990 and 2003 and range in size from 1,526 to 2,659 square feet of living area. Each comparable is a lake front property, similar to the subject. Features of these comparables include full, partially finished basements, one to three fireplaces and garages containing from 480 to 1,008 square feet of building area. The comparables sold or were listed for sale from November 2006 to January 2009 for prices ranging from \$445,000 to \$718,000 or from \$185.42 to \$340.63 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant submitted an additional appraisal of the subject property. Property Tax Appeal Board rule 1910.66(c) states in relevant part:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

(86 Ill. Adm. Code §1910.66(c))

Therefore, the Board gave this additional appraisal no weight in its analysis.

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 not warranted. 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.2<sup>nd</sup> 1256 (2<sup>nd</sup> 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 \$507,000 as of January 1, 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, therefore, the Board will only consider the raw sales data contained within the appraisal report.

The board of review submitted 6 comparables sales or listings that sold or were listed for sale for prices ranging from \$185.42 to \$340.63 per square foot of living area, including land. The appellant's raw sales data depicts three comparable sales that sold for prices ranging from \$187.29 to \$266.43 per square foot of living area, including land. Each of the appellant's comparables was also used by the board of review in its grid analysis; therefore, references herein shall be to the board of review's grid analysis. The Board gave less weight to comparables #2 through #6 because they were dissimilar to the subject in design, age and/or size when compared to the subject, or the date of sale was too remote to be indicative of the subject's fair market value on January 1, 2009. The Board finds the most similar comparable indicative of the subject's fair market value on January 1, 2009 is comparable #1, which was submitted by both parties. This comparable, which was similar to the subject in location, age, size, basement area and garage area, sold in February 2008 for \$498,000 or \$187.29 per square foot of living area. The subject has an estimated market value of \$527,539 or \$170.17 per square foot of living area, including land, as reflected by its assessment. The subject's estimated market value on square foot basis is less than the most similar sale comparable contained in this record.

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.



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Chairman



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Member



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Member



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Member



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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: April 19, 2013



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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.