



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

APPELLANT: Laura Carlson
DOCKET NO.: 09-04226.001-R-1
PARCEL NO.: 05-05-09-454-006

The parties of record before the Property Tax Appeal Board are Laura Carlson, the appellant, and the Livingston 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 Livingston County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$9,850
IMPR.: \$54,118
TOTAL: \$63,968

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 11,520 square feet has been improved with a split-level frame exterior constructed single family dwelling built in 2002. The dwelling contains 1,456 square feet of above-grade living area with a full finished basement of 1,304 square feet of building area,¹ central air conditioning, and a 604 square foot garage. The subject property is located in Dwight, Dwight Township, Livingston County.

The appellant's appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In Section III of the Residential Appeal form, the appellant also reported the subject property was purchased on April 30, 2008 for a price of \$205,000.

In support of the overvaluation argument, the appellant submitted an appraisal prepared by real estate appraiser Ron Mueller of Mueller Appraisal Services estimating the subject property had a market value of \$180,000 as of May 5, 2009. The stated purpose

¹ The appellant's appraiser reported the dwelling had 1,509 square feet of living area.

of the appraisal was for a "purchase transaction" and the appraisal was performed for a lender, First Federal Savings in Ottawa. The appraiser also reported the subject's April 2008 purchase price of \$205,000 in the report.

In the addendum discussing market research, the appraiser reported that of 32 sales in Dwight in the prior year with an average market time of 174 days; the median sales price was \$111,250. Nine of the sales had financing concessions ranging from \$2,500 to \$6,994 and three of the sales were short sales. "No information on bank owned properties or preforeclosures was available for Dwight." Furthermore, the appraiser stated that none of those sales were comparable to the subject. There were 46 sales with an average market time of 151 days between May 2007 and May 2008 with a median sales price of \$118,750. This indicated a 6% decline in the market.

Under the sales comparison approach, the appraiser used sales of three comparable homes and one listing of a raised ranch with a market time of 383 days. The comparables were located between 0.10 and 0.60-miles from the subject property. In the addendum, the appraiser noted that no split-level home sales could be found in Dwight. The parcels range in size from 11,640 to 16,625 square feet of land area. Each was improved with a raised ranch or a two-story dwelling of frame or brick and frame exterior construction. The dwellings range in age from new to 108 years old. The comparables #1 and #3 consist of "newer" homes in the subject's neighborhood, with #3 having been recently updated. The comparables range in size from 1,371 to 2,103 square feet of living area. Two comparables have full basements which are fully or partially finished. Each dwelling features central air conditioning and a two-car garage. Two of the comparables have a fireplace. Three comparables sold between December 2008 and March 2009 for prices ranging from \$165,000 to \$205,000 or from \$78.46 to \$114.20 per square foot of living area including land. Comparable listing #4 had an asking price of \$214,000 or \$156.09 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for financing concessions, date of sale, site size, exterior construction, bathrooms, dwelling size, basements and basement finish, and other amenities. The analysis resulted in adjusted sales prices for the comparables ranging from \$160,055 to \$208,440 or from \$76.11 to \$152.04 per square foot of living area land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$180,000 or \$119.28 per square foot of living area including land based on the appraiser's size determination of 1,509 square feet of living area.

Based on the appraisal evidence and a notation from the appellant that active listing #4 as of April 2010 had been on the market for 2 years with a current asking price of \$190,000, the appellant requested a reduction in the subject's total assessment

to \$60,000 to reflect the estimated market value set forth in the appraisal.

The board of review submitted its "Board of Review Notes on Appeal." The Board of Review Notice of Final Assessment for the subject property set forth a total assessment of \$69,479. The board of review contends that a Certificate of Error was subsequently issued as to the subject property.² The original final assessment of the subject property reflects a market value of \$209,085 or \$143.60 per square foot including land based on 1,456 square feet of living area and using the 2009 three-year median level of assessments for Livingston County of 33.23%.³

In support of the subject's estimated market value based on its assessment, the board of review submitted a two-page letter and grid analysis of five suggested comparable properties, four of which had sold and the fifth was appraisal listing #4. The board of review reported it examined sales of split level dwellings in Livingston and Grundy Counties for 2008 and 2009. The four sold properties were located from 18.5 to 31.04-miles from the subject with sales #3 and #4 located in Grundy County. The four sold properties consist of split-level dwellings of frame construction which were built between 1983 and 2005. The homes range in size from 1,033 to 1,668 and feature full or partial finished basements, central air conditioning, and garages ranging in size from 312 to 904 square feet of building area. One comparable also has a fireplace. Comparables #1 through #4 sold between September 2008 and September 2009 for prices ranging from \$170,000 to \$235,000 or from \$119.90 to \$164.57 per square foot of living area including land.

In a memorandum discussing the appellant's appraisal, the board of review noted that the appraisal "appears to be for refinancing purposes." The board of review noted one of the sales in the appraisal was much older than the subject dwelling. The board of review 'objects' to the comparables presented in the appraisal "because none of the comparable sales submitted are similar in construction type to the subject." The board of review stated, "[t]he adjustments made by the appellant's appraiser indicate a market value close to the purchase price made by the appellant."

Based on the foregoing evidence and the April 2008 sales price of the subject property, the board of review requested confirmation of the subject's 2009 estimated market value as reflected by its assessment.

² The Property Tax Appeal Board takes notice that the Attorney General of the State of Illinois has asserted that a county board of review may not alter an assessment once its decision has been properly appealed to the Property Tax Appeal Board, nor may it alter an assessment by certificate of error or by any other procedure after the Property Tax Appeal Board has rendered its decision. 1977 Ill.Atty.Gen.Op. 188 (October 24, 1977), 1977 WL 19157 (Ill.A.G.).

³ After the issuance of the certificate of error providing for a total assessment of \$68,261, the board of review contends the subject's estimated market value is \$204,783 or \$140.65 per square foot of living area including land.

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

The appellant argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds that the best evidence of the subject's living area square footage was presented by a schematic drawing presented by the board of review and thus the Board concludes the subject dwelling contains 1,456 square feet of living area.

The appellant submitted the April 2008 purchase price of the subject property for \$205,000 and an appraisal of the subject property with a final value conclusion as of May 2009 of \$180,000. The Property Tax Appeal Board finds these two market value conclusions are relatively equally distant from the assessment date at issue of January 1, 2009. In light of the appraiser's market analysis, the Board finds that a downward adjustment of approximately 6% for 2009 to the subject's recent sale price is warranted. Giving equal weight to the sale price and the appraisal conclusion, the Property Tax Appeal Board finds that the subject property has a market value as of January 1, 2009 of \$192,500 or \$132.21 per square foot of living area including land.

Moreover, the Property Tax Appeal Board finds this market value finding is further supported by the most similar sales comparables in the record presented by the board of review. The Board has given less weight to board of review sales #3 and #4 as the properties are not located in Livingston County and they are substantially older than the subject dwelling. The most similar comparable sales presented by the board of review sold in June and September 2009 for prices of \$195,000 and \$235,000 or \$130.35 and \$154.20 per square foot of living area including land. The subject's estimated market value as determined in this decision of \$132.21 per square foot of living area including land falls within the range of these most similar comparables presented by the board of review.

Based upon the market value determination as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Livingston County for 2009 of 33.23% shall be applied.

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

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: January 20, 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.