



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

APPELLANT: Robert M. & Marlene Gee
DOCKET NO.: 09-05513.001-R-1
PARCEL NO.: 08-101-019-00

The parties of record before the Property Tax Appeal Board are Robert M. & Marlene Gee, the appellants, and the Jo Daviess 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 Jo Daviess County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$17,661
IMPR: \$112,372
TOTAL: \$130,033

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 0.901-acres is improved with a 13-year old, part one-story and part two-story single-family dwelling of frame exterior construction that contains 1,802 square feet of living area. The home features a full finished basement, central air conditioning, two fireplaces and an attached two-car garage of 624 square feet of building area. The property is located in Galena, Guilford Township, Jo Daviess County.

The appellants' appeal is based on overvaluation of the subject property.¹ The appellants also reported that the subject dwelling was purchased in March 2007 for \$390,000, but they contend that they "paid top market value" and values have steadily declined since 2007. In their letter, they also stated that local Realtors have indicated values from 2007 to 2009 in the subject's development reflect a 15% decline in market value.

¹ While the appellants also presented assessment data, their letter filed with the appeal asserts the challenge is to the market value of the subject and the presentation of other assessments, even those greater than the subject, "did not reflect a fair market value, then these owners like [the appellants] should appeal their assessments."

As to the dwelling, the appellants reported the dwelling contains 2,792 square feet (Section III). Similarly, in the grid analysis (Section V) the appellants reported 1,648 square feet of above-grade living area and a full finished basement of 1,144 square feet. No specific data to support these reported sizes of the subject dwelling were included with the appeal.

In support of the market value argument, the appellants submitted information on five sales comparables located in the subject's subdivision. The parcels range in size from 1.10 to 1.6-acres of land area and each is improved with either a one-story or a two-story frame or frame and stone dwelling. These homes range in age from 1 to 10 years old and range in size from 1,364 to 1,928 square feet of living area. The homes each have full finished basements, central air conditioning, one or two fireplaces and attached two-car garages. The sales occurred from January 2007 to October 2009 for prices ranging from \$323,000 to \$390,000 or from \$178.94 to \$263.93 per square foot of above-grade living area, including land.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$117,000 which would reflect a market value of approximately \$351,000 or \$194.78 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$130,033 was disclosed. The subject's assessment reflects an estimated market value of \$390,489 or \$216.70 per square foot of living area including land using the 2009 three-year median level of assessments for Jo Daviess County of 33.30%. (86 Ill.Admin.Code §1910.50(c)(1)).

In response to the appeal, the board of review presented a memorandum outlining its arguments and evidence. The subject is located in Galena Territory, a private 6,800 acre recreational, residential and resort community. This area features a 225 acre lake, walking and hiking trails, a clubhouse and pool complex along with a marina, equestrian center and "63 holes of championship golf."

Exhibit A is a copy of the property record card for the subject which depicts a total dwelling size of 1,802 square feet with a schematic drawing and a basement of 1,044 square feet. Exhibit B reflects the March 2007 purchase price of \$390,000.

In Exhibit C, the board of review reiterated all of the appellants' comparable sales with changes/corrections to numerous portions of the descriptions. For clarity, the data will be summarized herein as follows: the parcels range in size from 0.52 to 1.6-acres of land area and each is improved with either a one-story or a part one-story and a part two-story frame dwelling. These homes range in age from 3 to 12 years old and range in size from 1,364 to 2,205 square feet of living area. The homes each have full finished basements, central air

conditioning, one or two fireplaces and garages, one of which is located in the basement. The sales occurred from February 2007 to October 2009 for prices ranging from \$319,500 to \$390,000 or from \$156.46 to \$282.61 per square foot of living area, including land.

The board of review also reported that 2009 was the quadrennial reassessment for Guilford Township wherein all property was valued based on sales from 2006, 2007 and 2008. In this regard, the board of review noted that two of the sales presented by the appellants occurred in 2009 and thus "were not used to value property for 2009." The board of review further contends that "if those 2 sales are taken out, then the average sale price of the appellant's comps is \$217.40 per square foot. The appellant has a market value of \$216.48 per square foot."

To support the subject's estimated market value as reflected by its assessment, Exhibit D presented by the board of review consists of a two-page grid analysis of five comparables located in Galena Territory. The parcels range in size from .386 to 1.527-acres of land area improved with one-story, one and one-half-story or part one-story and part two-story frame dwellings. These homes range in age from 13 to 15 years old. The dwellings range in size from 1,428 to 2,467 square feet of living area and feature full basements, three of which were finished as of the reported sale date. Additional features include central air conditioning, one or two fireplaces and four have a garage. The sales occurred between March 2006 and September 2008 for prices ranging from \$311,000 to \$498,500 or from \$202.07 to \$237.82 per square foot of living area, land included. The board of review contends that the average sales price per square foot of these properties is \$216.85 and the subject's value is slightly less than that average.

Based on its data and a contention that the subject "is assessed at his purchase price," 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 that a reduction in the subject's assessment is not warranted.

The appellants 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. 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 not been met and a reduction in the subject's assessment is not warranted on this record.

The parties submitted a total of 10 comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board finds the appellants' comparable #3 along with board of review comparables #1 and #2 sold most proximate to the assessment date at issue of January 1, 2009 and were most similar to the subject in location, size, design, exterior construction, amenities and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These three comparables sold between September 2007 and September 2008 for prices ranging from \$311,000 to \$345,000 or from \$178.94 to \$217.79 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$390,489 or \$216.70 per square foot of living area, including land, which is within the range established by the most similar comparables on this record on a per square foot basis and appears justified particularly by board of review comparable #2. After considering these most comparable sales and adjusting for differences, the Board finds the appellants did not demonstrate that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

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.



Chairman



Member



Member



Member



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



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.