



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

APPELLANT: Donald Fouts
DOCKET NO.: 09-05525.001-R-1 through 09-05525.010-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Donald Fouts, the appellant, by attorney David D. Albee in Galena, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-05525.001-R-1	08-107-054-00	17,598	0	\$17,598
09-05525.002-R-1	08-107-055-00	13,939	0	\$13,939
09-05525.003-R-1	08-107-056-00	14,636	0	\$14,636
09-05525.004-R-1	08-107-057-00	14,462	0	\$14,462
09-05525.005-R-1	08-107-059-00	15,856	0	\$15,856
09-05525.006-R-1	08-107-087-00	23,311	0	\$23,311
09-05525.007-R-1	08-107-088-00	21,243	0	\$21,243
09-05525.008-R-1	08-107-089-00	17,105	0	\$17,105
09-05525.009-R-1	08-107-090-00	12,023	0	\$12,023
09-05525.010-R-1	08-107-092-00	19,863	0	\$19,863

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of ten vacant parcels of land which range in size from 30,056 to 73,616 square feet or .69 to 1.69-acres of land area. Some parcels are open and some are partially wooded. The property is located in Shenandoah Unit 7 of Galena Territory, Guilford Township, Jo Daviess County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted what he termed was an appraisal prepared by Michael Doyle of Homestead Appraisals in Galena, Illinois. The document submitted consisted of a three-page letter prepared by

the appraiser with attachments. Doyle wrote that he did a study of all Galena Territory lot sales between January 1, 2007 and December 31, 2008 which consisted of 49 sales of lots for prices ranging from \$30,000 to \$80,000. Those lots ranged in size from .41 to 2.53-acres of land area where the "small lot was located in the Resort Core and had central sewer." All sales were located in an area known as the Shenandoah Valley, with the exception of one sale on Valley Road which "is an upward sloping lot in a competing valley."

Doyle further reported in his letter that the sale prices ranged from \$0.61 to \$1.86 per square foot of land area, with the high price being a lot the appellant purchased at 80 Shenandoah as an adjoining lot which was not included in the study as a purchase by an adjoining landowner.

He also stated that lots were reviewed for upslope and down slope such that he found three down slope lots and five upslope lots with one level lot to gently sloping on Powderhorn Gap of 2.53-acres in size. Doyle stated the assessments of the subject parcels range from \$1.19 to \$1.20 per square foot for upsloping lots and from \$0.94 to \$1.20 per square foot for down sloping lots. On page two of the letter, Doyle summarizes the subject ten lots and his summary of the eight sales listed by size and slope for a comparison of values per square foot. The appraiser then wrote:

It is felt that your uphill lots should have a value in the \$0.93 to \$1.03 per square foot range, and not at the \$1.19 to \$1.20 per square foot range.

It is also felt that your downhill lots should be in the \$1.08 per square foot for the lots located at 53 Shenandoah and 67 Shenandoah Drive. The larger lots at 71, 75 and 79 Shenandoah Drive should have values per square foot of \$0.61 to \$0.89 per square foot.

The appraiser also noted that none of the sales he described achieved values of \$1.19 and \$1.20 per square foot.

Based on this evidence, the appellant requested reductions in the land assessments of the subject parcels.

The board of review presented its "Board of Review Notes on Appeal" wherein the final assessments of the subject ten parcels were disclosed in an addendum. The board of review also presented a two-page letter outlining the evidence and response to the appeal along with Exhibits A through E.

The board of review reported that Galena Territory is a private 6,800 acre recreational, residential and resort community with a 225 acre lake, walking and hiking trails, a clubhouse, pool complex, marina, equestrian center and 63 holes of championship golf. The board of review further stated that 2009 was the quadrennial revaluation year for the area where lots were valued

according to size and location (i.e., lots near the lake are valued higher than lots away from the resort core, lakefront, etc.).

As to the appellant's argument for valuing the parcels based on upslope and down slope, the board of review contends this was not the manner in which properties have been valued. Moreover, one of the comparables presented in appellant's evidence (08-402-058-00) was sold as part of a package with an adjoining lot and dwelling (see Exhibit E) and thus has no separate purchase price for the vacant lot. As to another sale (08-103-042-00) in the appellant's evidence, the board of review noted at the time of sale the owner was a licensed realtor.

In Exhibit B, the board of review reported the subject parcels have land assessments of either \$0.32 or \$0.40 per square foot which is a market value of approximately either \$0.96 or \$1.20 per square foot of land area.

In Exhibit C, the board of review presented data on seven sales in Shenandoah Unit 7 of parcels that were less than one-acre of land area. The parcels range in size from 35,284 to 41,730 square feet or 0.81 to 0.958 of an acre. These properties sold between January and December 2006 for prices ranging from \$25,000 to \$60,000 or from \$0.71 to \$1.44 per square foot of land area.

In Exhibit D, the board of review presented data on twelve sales in Shenandoah Unit 7 of parcels that were more than 1-acre but less than 2-acres in size. Two of these properties were also presented in the appellant's submission. The parcels range in size from 44,039 to 85,813 square feet or from 1.011 to 1.97-acres of land area. These properties sold between February 2006 and June 2008 for prices ranging from \$53,900 to \$104,000 or from \$0.79 to \$1.53 per square foot of land area.

Based on the foregoing, the board of review requested confirmation of the subject's assessments.

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 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds this burden of proof

has not been met and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board finds that both parties presented a total of 25 sales to support their respective positions. These comparables sold between January 2006 and June 2008 for prices ranging from \$25,000 to \$104,000 or from \$0.61 to \$1.53 per square foot of land area. The subject parcels' assessments reflect market values of either approximately \$0.96 or \$1.20 per square foot of land area which is within the range of sales presented by both parties on a per square foot basis. After considering these comparable sales, the Property Tax Appeal Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment 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.



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: February 22, 2013



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.