



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

APPELLANT: William Schwarz
DOCKET NO.: 09-05556.001-R-1
PARCEL NO.: 08-101-107-00

The parties of record before the Property Tax Appeal Board are William Schwarz, the appellant, 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: \$18,818
IMPR.: \$0
TOTAL: \$18,818

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a vacant 1.62 acre parcel located at 25 Sundance Trail, Galena, Guilford Township, Jo Daviess County. The subject is further described as lot 107, Shenandoah Unit 1 of the Galena Territory.

The appellant contends overvaluation with respect to the subject's assessment for the 2009 tax year as the basis of the appeal. In support of this argument appellant submitted information on three comparables sales. The comparables were described as being vacant lots ranging in size from 1.5 to 1.57 acres. Each of the comparables was described as being located in the Galena Territory. These properties sold from January 2006 to July 2006 for prices ranging from \$45,000 to \$53,900 or from \$30,000 to \$34,331 per acre.¹ The appellant explained that he purchased the subject property in \$25,000. The appellant argued the subject's 2009 assessment reflects a market value over 2.5 times the purchase price, which he contends is unrealistic. The appellant further asserted that he contacted a Galena realtor with the idea of selling the lot but was informed the he could not get \$35,000 in the current market. Based on this evidence,

¹ The appellant stated on the appeal form that comparable #3 sold for \$63,900; however, a printout of an MLS sheet indicated this property sold for a price of \$53,900.

the appellant requested the subject's assessment be reduced to \$15,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$18,818 was disclosed. The subject's assessment reflects a market value of \$56,511 or \$34,883 per acre using the 2009 three year average median level of assessments for Jo Daviess County of 33.30%.

In support of its contention of the correct assessment the board of review submitted information on three comparables sales of vacant lots located in the Galena Territory. The comparables were described as ranging in size from 1.543 to 1.97 acres and sold from September 2006 to September 2007 for prices ranging from \$57,000 to \$80,000 or from \$32,815 to \$51,847 per acre. The board of review indicated its comparable #3 and appellant's comparable #2 were the same property. The appellant reported the sale that occurred in May 2006 for a price of \$50,000 and the board of review reported the second sale that occurred in December 2006 for a price of \$80,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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 of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant is challenging the subject's assessment for the tax year 2009, which reflects a market value of \$56,511 or \$34,883 per acre using the 2009 three year average median level of assessments for Jo Daviess County of 33.30%. The record contains six sales of vacant parcels located in the Galena Territory. The sales that occurred most proximate in time the January 1, 2009 assessment date at issued include appellant's comparable #3 and the three comparables submitted by the board of review. These properties ranged in size from 1.543 to 1.97 acres and sold from July 2006 to September 2007 for prices ranging from \$53,900 to \$80,000 or from \$32,815 to \$51,847 per acre. The most recent sale occurred in September 2007 for a unit price of \$39,086 per acre. The subject's assessment reflects a unit value of \$34,833

per acre which is within the range established by the best (most recent) comparable sales.

Based on this limited record, containing sales that occurred from approximately 15 months to approximately 36 months prior to the assessment date at issue, the Board finds a reduction in the subject's assessment is not justified.

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: May 18, 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.