



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

APPELLANT: Craig S. & Janice MacDonald
DOCKET NO.: 10-00153.001-R-1
PARCEL NO.: 13-2-21-14-07-202-004

The parties of record before the Property Tax Appeal Board are Craig S. and Janice MacDonald, the appellants, and the Madison 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 **Madison** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$9,420
IMPR.: \$56,560
TOTAL: \$65,980

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling with approximately 2,879 square feet of living area. The dwelling was constructed in approximately 1972. Features of the home include a basement that is partially finished, central air conditioning, one fireplace and a 483 square foot attached garage. The property has a 17,850 square foot site and is located in Collinsville, Collinsville Township, Madison County.

The appellants marked comparable sales, assessment equity and recent appraisal as the bases of the appeal. The appellants submitted a "Narrative" stating they were contesting the unfair reassessment of the subject property. They noted the subject property had an equalized assessment in 2009 of \$55,360 reflecting a market value of \$166,080, a copy of the board of review decision was submitted in support of this assertion. The appellants argued the subject's 2010 assessment of \$65,310 reflects a market value of \$195,390, an increase of 17.6%. They argued that if the Madison County Board of Review had determined the property had a market value as of January 1, 2009 of \$166,080 then it is unreasonable in the existing market to see an increase of 17.6% in one year. The appellants quoted various statistics

referenced articles to support their contention of a continued decline in the housing market from 2009 to 2010.

With respect to the comparable sales and assessment arguments the appellants completed the grid analysis on the appeal form. The information provided by the appellants disclosed the three suggested comparables are improved with split foyer or bi-level dwellings that, based on the property record cards, had either 1,232 square feet or 1,344 square feet of above grade living area. The appellants had indicated on the grid these properties were improved with three-story dwellings. The comparables were reported to range in age from 34 to 39 years old. Each comparable had central air conditioning and a garage in the lower level with either 616 or 644 square feet of building area. These properties had sites ranging in size from 11,400 to 20,520 square feet of land area and were located in Collinsville approximately .38 to .48 miles from the subject property. The comparables were reported to have sold from September 2009 to April 2010 for prices ranging from \$140,000 to \$158,000 or from \$113.64 to \$117.56 per square foot of living area, including land. These same properties had improvement assessments ranging from \$34,870 to \$41,320 or from \$28.30 to \$30.74 per square foot of above grade living area.

In analyzing these sales the appellants used the combined above grade and below grade building areas to conclude the comparables ranged in size from 2,464 to 2,688 square feet of living area resulting in prices ranging from \$56.82 to \$58.78 per square foot of building area for an average of \$58.02 per square foot. Applying the average price per square foot to the subject's living area resulted in an estimated value of \$164,428.¹ The appellants further noted the sales had an average market value of \$151,667.

The appellants also submitted an appraisal powered by ElectronicAppraiser estimating the subject property had a market value of \$154,000 as of December 5, 2010. The report states in part that, "No human interaction or inspection goes into the final results and analysis." The report included information on six sales, three of which were used by the appellants in their grid analysis. The sales were identified by address and were located from .38 to 1.08 miles from the subject property. The report listed the living area and year built for each property. These properties were reported to have living area ranging from 2,464 to 2,688 square feet and were built from 1970 to 1981. The report further described the comparables as being either two or three-story dwellings. The sales occurred from January 2009 to August 2010 for prices ranging from \$130,000 to \$158,000 with an average sales price of \$55.69 per square foot of living area or \$146,000.

¹ The appellants used 2,834 square feet as the size of the subject dwelling and their calculations had a mathematical error of approximately \$10.00.

In analyzing this data the appellants asserted the average market value of the three sales in their grid analysis was \$151,667; the market value of the subject using the average price per square foot of their three sales was \$164,418; the market value of the subject property as determined by the board of review for 2009 was \$166,080; and the appraised market value was \$154,000. The appellants contend the average market value using these components was \$159,041 resulting in an assessment of \$53,014 using 1/3 of market value as the level of assessment.

In conclusion the appellants requested the Property Tax Appeal Board reduce the value on the subject property to \$159,041 and to revise the assessment to \$53,014.²

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's equalized total assessment of \$65,980 was disclosed. The subject's total assessment reflects a market value of \$197,841 or \$68.72 per square foot of living area, including land, when applying the 2010 three year average median level of assessments for Madison County of 33.35% as determined by the Illinois Department of Revenue.

In rebuttal the board of review asserted the appellants' comparables were split-level dwellings with built in garages while the subject property is improved with a part two-story and part 1.5-story dwelling. The board of review further asserted the appraisal submitted by the appellants was electronic and not completed by a licensed certified appraiser.

To demonstrate the subject property was equitably assessed the board of review provided information on three comparables improved with part two-story and part one-story dwellings that ranged in size from 2,236 to 2,258 square feet of living area. The properties were located in the same subdivision as the subject property. The comparables were built from 1974 to 1986. One property had a basement while two comparables had crawl and slab foundations. Each comparable had central air conditioning, one fireplace and an attached garage that ranged in size from 480 to 528 square feet of building area. In the analysis the board of review used the subject's pre-equalized improvement assessment of \$55,830 or \$19.39 per square foot of living area. The comparables had improvement assessments ranging from \$43,440 to \$45,570 or from \$19.26 to \$20.38 per square foot of living area.

With respect to the market value argument the board of review submitted information on three comparable sales improved with two-story dwellings that ranged in size from 1,984 to 2,318 square feet of living area. The dwellings were constructed from 1899 to 1997 and were located from .34 miles to 4.72 miles from the subject property. The property record card for the oldest comparable (comparables #3) indicated the home had an effective age of 1999. One comparable had an unfinished basement, one comparable had a fireplace, each comparable had central air

² This amount differed from what was requested on the appeal form of \$52,031.

conditioning and the comparables had garages ranging in size from 484 to 832 square foot of building area. These properties had sites ranging in size from .89 acres to 2 acres. The comparables sold from January 2008 to October 2010 for prices ranging from \$176,766 to \$185,000 or from \$79.81 to \$90.22 per square foot of living area, including land.

Based on this evidence the board of review requested the subject's assessment be confirmed.

In rebuttal the appellants asserted the board of review did not refute or respond to their contention that there was a disconnect between the property assessment and the state of the U.S. housing market. The appellants also submitted a CPI and Housing Index Analysis and comments critiquing the comparables submitted by the board of review.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellants contend in part that 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The appellants' primary argument focused on the increase in the subject's assessment from 2009 to 2010 by a purported 17.6% during a time, they argue, the U.S. housing market did not support such an increase. The Board gives this aspect of the appellants' argument no weight. The mere fact that an assessment increases from one year to the next does not of itself establish the assessment is incorrect. To demonstrate the assessment at issue is incorrect the taxpayer needs to submit relevant, credible and probative market data to establish the market value of the property as of the assessment date at issue. The Board finds the appellants did not submit information on credible comparable sales or a credible appraisal to challenge the correctness of the subject's assessment. Although the appellants made reference to publications and articles dealing with the trend in the housing market, such information is not specific for the individual property under appeal. Therefore, the Board gives this aspect of the appellants' argument little weight.

The appellants provided information on three comparable sales, which were also included in the electronic appraisal submitted by

the appellants. The Board finds the comparables submitted by the appellants were not similar to the subject property in style and above grade living area. The appellants described the comparables on the grid analysis they completed as three-story dwellings. However, the property record cards and photographs of these comparables depict split-level dwellings. The appellants also described the comparables as having 2,464 and 2,688 square feet of living area. However, this area included the below grade portion of the homes including the integral garage area. The Board finds the above grade living area of the comparables ranged in size from 1,232 to 1,344 square feet, significantly smaller than the subject's above grade living area of 2,879 square feet. The comparables sold from \$140,000 to \$158,000 or from \$113.64 to \$117.56 per square foot of above grade living area, including land. The subject's assessment reflects a value of \$68.72 per square foot of living area, including land, which is below the range of the appellants' comparables on an above grade square foot of living area basis.

The appellants also submitted an electronic appraisal to support the overvaluation argument. The Board gives this evidence no weight. First, the appraisal itself states in part that, "No human interaction or inspection goes into the final results and analysis." The Board finds this statement undermines the validity of the report and estimate of value. Second, there is no evidence in this record that any expert in the field of real estate appraisal had any input in selecting the comparable sales and arriving at the estimate of market value. Third, there was minimal description with respect to the comparable sales contained in the electronic report. The report did not provide any information with respect to features and amenities associated with the comparables, which prohibits the Property Tax Appeal Board from conducting a meaningful analysis of the sales to determine if they are truly comparable to the subject. The Board also questions the accuracy of the descriptions of the comparables when it describes the comparables as being improved with one two-story dwelling and five three-story dwellings. This is particularly true in light of the fact that the electronic appraisal described comparables #2, #3 and #4 as three-story dwellings when the property record cards and photographs depict these properties as split-level dwellings. Considering these facts, the Board finds the electronic appraisal is not credible and gives the report no weight.

The Board finds the comparables provided by the board of review were more similar to the subject in style although these homes were smaller and differed from the subject in age. Two of these properties, comparables #1 and #3, sold proximate in time to the assessment date at issue for prices of \$185,000 and \$179,000 or for \$79.81 and \$90.22 per square foot of living area, including land, respectively. The Board finds these sales support the subject's assessment reflecting a market value of \$197,841 or \$68.72 per square foot of living area, including land.

Based on this record the Board finds the appellants did not demonstrate overvaluation by a preponderance of the evidence.

The appellants also marked assessment inequity as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds a reduction is not warranted on this basis.

The Board finds the best equity comparables in this record were submitted by the board of review. These properties were more similar to the subject dwelling in location, style and size than those comparables provided by the appellants. The record disclosed these properties had improvement assessments ranging from \$19.26 to \$20.38 per square foot of living area. The subject had a pre-equalized improvement assessment of \$55,830 or \$19.39 per square foot of living area and an equalized improvement assessment of \$56,560 or \$19.65 per square foot of living area, both of which are within the range established by the best comparables in the record. Based on this evidence the Board finds the appellants did not demonstrate assessment inequity by clear and convincing evidence.

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: September 20, 2013

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.