



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

APPELLANT: Michael Moseley
DOCKET NO.: 10-01372.001-R-1
PARCEL NO.: 17-10-228-021

The parties of record before the Property Tax Appeal Board are Michael Moseley, the appellant, by attorney Jerry J. Pepping of McGehee, Olson, Pepping & Balk, Ltd., in Silvis, and the Rock Island 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 **Rock Island** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$18,031
IMPR.: \$80,332
TOTAL: \$98,363

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing approximately 2,006 square feet of living area.¹ The dwelling was constructed in 2009. Features of the home include a full walkout-style basement that is partially finished, central air conditioning, a fireplace and an attached three-car garage of approximately 1,374 square feet of building area.² The property has a 26,514 square foot site and is located in Moline, South Moline Township, Rock Island County.

The appellant's appeal is based on both overvaluation and lack of assessment uniformity challenging both the land and improvement assessments. In support of the overvaluation argument, the appellant submitted two separate appraisals of the subject property. For the inequity argument, the appellant presented a spreadsheet identifying seven suggested comparables. As part of the Residential Appeal petition, the appellant requested an

¹ The appellant's appraiser Wendt reported a dwelling size of 2,012 square feet whereas the assessing officials reported 2,006 square feet. The appellant's appraiser Hillman reported a dwelling size of 2,059 square feet. The Board finds the relatively minor differences in size are irrelevant to a determination of the correct assessment of the subject property on this evidence. The property record card also notes the exterior as 100% vinyl.

² Again, there is a slight difference of 8 square feet in garage size between the appraiser's measurement and the reported data of the assessing officials.

increase in the subject's land assessment to \$25,381 or \$0.96 per square foot of land area and a decrease in the subject's improvement assessment to \$72,982 or \$36.38 per square foot of living area for a total new assessment of \$98,363.³

For the inequity argument, the appellant submitted limited information in a spreadsheet on seven comparable properties. The spreadsheet identifies a street address, a parcel number, "local," lot size, dwelling size, and the respective assessments for the land and the improvement with square foot breakdowns for seven properties. The property record cards for the comparables are also attached to the spreadsheet. These seven comparables are all "local G."⁴ The parcels range in size from 11,321 to 145,316 square feet of land area. The properties have land assessments ranging from \$13,437 to \$35,024 or from \$0.24 to \$1.34 per square foot of land area. The subject has a land assessment of \$18,031 or \$0.68 per square foot of land area. The dwellings range in size from 1,954 to 2,360 square feet of living. According to the underlying property record cards, the comparables are either 1-story or 1.5-story frame or frame and masonry dwellings that were built between 1977 and 2009. The comparables have full basements, two of which are partially finished. Each homes has central air conditioning, one or two fireplaces and a garage ranging in size from 338 to 896 square feet of building area with one of the comparables having an additional basement garage of 400 square feet. These properties have improvement assessments ranging from \$67,205 to \$88,000 or from \$31.31 to \$43.48 per square foot of living area. The subject's improvement assessment is \$91,958 or \$45.84 per square foot of living area. Based on this evidence, the appellant reported the average land assessment of these seven properties was \$25,281 and the average improvement assessment of these seven properties was \$72,982. Thus, the appellant requested an increase in the subject's land assessment and a reduction in the subject's improvement assessment for a new total assessment as set forth on the spreadsheet of \$98,262.

The appellant identified an appraisal prepared by Patrick C. Wendt of Wendt Appraisal Service as #1. In estimating the market value of the subject property, Wendt developed the cost and the sales comparison approaches to value to arrive at an estimated market value of \$280,000 as of December 31, 2009. The appraiser described the report as a Restricted Use report in summary format.

In an addendum, Wendt wrote that the subject has been modified to accommodate a wheelchair bound resident. Modifications include larger than typical doorways, no door on the main bath, a larger than typical garage to accommodate loading a handicap-accessible van, a widened stairway to the basement to accommodate a lift and automatic door opener. "As a result it suffers from some

³ There was a mathematical error in the requested assessment total on the appeal petition.

⁴ There is no explanation of this category.

incurable functional depreciation estimated at five percent." In the sales comparison approach, sale #3 reported was also modified for handicapped access and thus was given greatest consideration by Wendt due to its similarities to the subject.

Under the cost approach, Wendt estimated the subject had a site value of \$50,000. The appraiser estimated the reproduction cost new of the improvements to be \$319,490. The appraiser estimated physical depreciation to be \$4,569 and functional depreciation to be \$47,924 resulting in a depreciated improvement value of \$266,997. Wendt wrote that functional loss reflected the excess estimated cost to accommodate the handicapped and "is considered functional incurable." Adding the various components including the land value, the appraiser estimated the subject property had an estimated market value of \$316,997 under the cost approach to value.

Using the sales comparison approach, Wendt provided information on three comparable sales described as 1-story or 1.5-story dwellings of frame construction that range in size from 1,981 to 2,200 square feet of living area. The dwellings range in age from 4 to 18 years old. Features of the comparables include a basement, two of which were partially finished, central air conditioning, one or two fireplaces and a two-car or a three-car garage. The comparables are located from .16 to 1.13-miles from the subject property. The comparables sold between 48 and 201 days on the market from June to November 2009 for prices ranging from \$265,000 to \$300,000 or from \$120.45 to \$151.44 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject as described in the addendum, Wendt estimated the comparables had adjusted prices ranging from \$270,958 to \$297,770 or from \$123.16 to \$150.31 per square foot of living area, including land. Based on this data, Wendt estimated the subject had an estimated value under the sales comparison approach of \$280,000 or \$139.58 per square foot of living area, including land, based upon a dwelling size of 2,006 square feet.

In reconciling the two approaches to value, Wendt gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$280,000 as of December 31, 2009.

The appellant identified an appraisal prepared by Michael D. Hillman of MDH Appraisals as #2. In estimating the market value of the subject property, Hillman developed the cost and the sales comparison approaches to value in arriving at an estimated market value of \$283,000 as of September 27, 2010.

Under the cost approach, Hillman estimated the subject had a site value of \$54,000. The appraiser then estimated the replacement cost new of the improvements to be \$309,631. Adding the replacement cost new to the land value, Hillman estimated the subject property had an estimated market value of \$363,631 under the cost approach to value.

Using the sales comparison approach, Hillman provided information on four comparable sales⁵ described as one-story dwellings of that range in size from 1,790 to 2,200 square feet of living area. The dwellings range in age from 1 to 18 years old. Features of the comparables include a full basement, two of which include finished area, central air conditioning, one or two fireplaces and a two-car or a three-car garage. These properties are located from .12 to 1.12-miles from the subject property. These comparables sold from October 2009 to September 2010 for prices ranging from \$249,900 to \$280,000 or from \$120.45 to \$145.21 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject, Hillman estimated the comparables had adjusted prices ranging from \$269,100 to \$305,400 or from \$122.32 to \$154.54 per square foot of living area, including land. Based on this data, Hillman estimated the subject had an estimated value under the sales comparison approach of \$283,000 or \$141.08 per square foot of living area, including land, based upon a dwelling size of 2,006 square feet.

In reconciling the two approaches to value, Hillman gave most weight to the sales comparison approach to value and noted that while the cost approach indicates a higher value, "homes in the subject's value range are selling at a substantial discount to cost." Thus, Hillman estimated the subject property had a market value of \$283,000 as of September 27, 2010.

Based on the foregoing evidence, the appellant requested a reduction in the subject's total assessment to \$98,363 which would reflect a market value of approximately \$295,089 or \$147.10 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$109,989 was disclosed. The subject's assessment reflects a market value of \$328,325 or \$163.67 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Rock Island County of 33.50% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In support of the subject's assessment, the board of review submitted a two-page letter along with data gathered by the South Moline Township Assessor. The board of review noted descriptive discrepancies between appraisers Wendt and Hillman in the subject's number of bedrooms, basement size and/or workshop description. Next, the board of review contended that no adjustments were made by Hillman for the number of bedrooms and

⁵ Hillman's sales #3 and #4 were the same properties as analyzed by Wendt as his sales #3 and #2, respectively.

"Hillman did not attend the hearing [before the local board of review]" and/or to explain certain adjustments.⁶

In a memorandum, the assessor opined that Hillman's adjustment for a workshop space within the attached garage "would increase the value of a house more than the \$3,500" set forth in the appraisal report. To support this contention, the assessor noted that sales in similar developments reflect prices of \$156 to \$186 per square foot and lack the attached workshop feature.

To support the subject's estimated market value based on its assessment, the assessor presented a grid analysis of four comparable sales. According to the underlying property record cards, these comparables are located in various subdivisions other than the subject's subdivision. The comparables are improved with one-story dwellings of frame or frame and masonry construction that range in size from 1,758 to 1,919 square feet of living area. The dwellings were constructed from 1999 to 2009. Features of the comparables include a full basement which is partially finished, central air conditioning and a garage ranging in size from 483 to 494 square feet of building area. Two of the comparables have a fireplace. The comparables sold from March to December 2009 for prices ranging from \$297,500 to \$355,000 or from \$156.09 to \$186.35 per square foot of living area, including land.

The assessor also presented a grid analysis with descriptions and assessment information on four comparable properties located in the subject's subdivision. The comparables consist of 1-story or 1.5-story frame and masonry dwellings that were built between 2006 and 2010. The dwellings range in size from 1,692 to 2,158 square feet of living area. Features include full basements which are partially finished, central air conditioning and a garage ranging in size from 528 to 576 square feet of building area. Two of the comparables have a fireplace. These properties have improvement assessments ranging from \$91,342 to 106,134 or from \$44.54 to \$57.62 per square foot of living area. The subject has an improvement assessment of \$91,958 or \$45.84 per square foot of living area.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contends the appellant's appraisers' sales are closer in proximity to the subject and include properties that feature 3-car/workshop space dwellings whereas the board of review's sales were 29 blocks away from the subject. As to the subject's handicap-accessibility, the appellant's counsel reiterated that Wendt provided sale #3

⁶ Proceedings before the Property Tax Appeal Board are de novo "meaning the Board will only consider the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review" (86 Ill.Admin.Code §1910.50(a)). Moreover, neither party to this proceeding requested a hearing, therefore, the assertion by the board of review is irrelevant to the instant determination.

with a similar oversized garage for a handicapped-accessible van with side loading capability.

As to the assessor's equity comparables, counsel contends these properties are part of the "six building addition" and reflect "new building cost and which has not been subject at this point in time to open market sales." Although, equity comparable #1 from the assessor reportedly has been on the market for two years with an asking price of \$299,900,⁷ but an estimated market value based upon its 2010 assessment of \$319,029.

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 a reduction in the subject's assessment is warranted.

The appellant contends 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); 86 Ill.Admin.Code §1910.63(e). 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisals of the subject property submitted by the appellant. The appellant's appraisers each developed the cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales utilized by the appraisers were similar to the subject in location, size, style, exterior construction, features and/or age. These properties also sold proximate in time to the assessment date at issue. The appraised values are both below the market value reflected by the assessment. Less weight was given the comparable sales presented by the board of review due to differences from the subject in location, size and/or age. This sales data also was not adjusted for differences from the subject property. Based on this record, the Board finds a total assessment reduction in accordance with the appellant's request is warranted.

The appellant also contended unequal treatment in the subject's assessment as a 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 assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is

⁷ Counsel's rebuttal submission was dated September 18, 2012 and thus presumably reflects a 2012 asking price for this property.

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equitably assessed and no further reduction in the subject's assessment on grounds of lack of uniformity is 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.

Ronald 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: August 23, 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.