



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

APPELLANT: Kenneth & Beverly Rogers
DOCKET NO.: 10-02256.001-R-1
PARCEL NO.: 11-26-102-011

The parties of record before the Property Tax Appeal Board are Kenneth & Beverly Rogers, the appellants; and the Menard 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 **Menard** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$30,000
IMPR.: \$56,000
TOTAL: \$86,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a part one-story and part two-story dwelling of vinyl and brick exterior construction containing 2,574 square feet of living area.¹ The two-story portion of the home was built in 1964, with a one-story addition added at a later date. Features of the home include a partial basement, which is 25% finished, central air conditioning, a fireplace and an attached two and one-half car garage. The dwelling is situated on approximately 30,320 square feet of land area located in Petersburg, Menard County, Illinois.

The appellant, Kenneth Rogers, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal.

¹ At the hearing, the parties stipulated to a dwelling size for the subject of 2,574 square feet of living area.

In support of this argument, the appellants submitted an appraisal of the subject property prepared by Barry Taft, a state certified appraiser. The appraiser was present at the hearing. The intended use of the appraisal report was for an Ad Valorem Property Tax Appeal. The appraisal report conveys an estimated market value for the subject property of \$228,000 as of January 1, 2010 using the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized six comparable sales located on Lake Petersburg from .03 to .89 of a mile from the subject property. The comparables consist of one-story masonry or frame and masonry dwellings containing from 1,332 to 2,093 square feet of living area. The homes were built from 1971 to 1976. The comparables feature central air conditioning and two and one-half or three-car garages. Four comparables have walkout basements with finished area, five comparables have one or two fireplaces, three comparables have a dock and one has an inground swimming pool. The comparables have lot sizes ranging from 7,030 to 26,077 square feet of land area. The sales occurred from January to August of 2009 for prices ranging from \$160,000 to \$262,000 or from \$97.56 to \$163.29 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject for location, site, quality of construction, condition, gross living area, basement & finished, rooms below grade, fireplaces, fence, dock, garage/carport and inground pool. The adjusted sale prices ranged from \$211,050 to \$239,260. Based on the adjusted sale prices, the appraiser concluded the subject had an estimated market value under the sales comparison approach of \$228,000.

Taft testified that his comparable #1 was superior to the subject and the remaining comparables were inferior, except for his comparable #4 which was his second best comparable.

Under cross-examination, Taft testified that an analysis should not focus on a square foot price and with the diverse dwelling styles within the Lake Petersburg market; buyers are focused on the total value of a property. Taft further testified that he did not use the September 2009 sale for \$283,000 of his comparable #6, due to its "substantial modifications" subsequent to its January 2009 sale for \$163,000.

Rogers testified that the subject was originally a two-story dwelling, to which a one-story addition was added. In addition,

the subject's finished basement area has an inferior six and one-half foot ceiling height.

Based on this evidence, the appellants requested the subject's assessment be reduced to \$76,000 to reflect the appraised value.

At the hearing, the board of review objected to consideration of the appraisal's comparables #2 and #3 due to their smaller gross living area and dissimilar slab foundation.²

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$86,000 was disclosed. The subject's assessment reflects an estimated market value of \$258,491 or \$100.42 per square foot of living area including land using Menard County's 2010 three-year average median level of assessments of 33.27%.

The Menard County Chief County Assessment Officer, Jason LeMar, argued the appellant's appraiser selected sales of homes that were not multi-level dwellings like the subject. Additionally, LeMar argued the appraiser used different values when adjusting the comparables for below grade finished area and the appraiser disclosed that the subject has 242 square feet of below grade finished area, which would require an adjustment since the county's records did not indicate the subject had below grade finished area.

In support of the subject's assessment the board of review submitted a grid analysis of six comparable sales located on Lake Petersburg. The board of review's comparable #4 is the same property as the appellant's comparable #1. The comparables are improved with a one-story; two, one and one-half story; two, split-level; and a part one-story and part two-story dwellings of frame or masonry exterior construction that range in size from 912 to 2,350 square feet of living area. The homes were built from 1965 to 1993. The comparables have lots ranging in size from 8,342 to 30,770 square feet of land area. Features of the homes include basements, five of which have finished area and central air conditioning. Five comparables have one or two fireplaces and three comparables have a garage. Comparable #2 has a swimming pool. The comparables sold from August 2009 to October 2011 for prices ranging from \$245,000 to \$412,500 or from \$108.22 to \$293.31 per square foot of living area, including land.

² The BOR objected to the appraiser's use of comparables #2 and #3. The PTAB denies the objection and will give the comparables their appropriate weight in this analysis.

LeMar testified that the board of review's comparables are of a similar style and location when compared to the subject. LeMar further testified that, if the appraiser removed the two appraisal comparables that were on a slab, then the appraisal's average sale price per square foot would increase.

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

Under rebuttal, Rogers argued that the board of review's comparable #2 was "ridiculous" to use as a comparable due to its superiority when compared to the subject.

After hearing the testimony 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 the evidence in the record supports the subject's assessment.

For this appeal, the appellants contend 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 sales in this record support the subject's assessment.

The appellants submitted an appraisal report prepared by Barry Taft, conveying an estimated market value for the subject property of \$228,000 with an effective date of January 1, 2010. The Board finds the appraisal misrepresents the subject as a one and one-half story dwelling, when the credible evidence, photographs and testimony from the appellant discloses the subject is a part two-story and part one-story dwelling. The Board further finds the appraiser selected only one-story dwellings and failed to make any adjustments for the subject's multi-story design. In addition, two of the appraiser's comparables are on inferior slab foundations, when compared to the subject's superior partially finished basement foundation. As such, the Board finds that the weight and credibility of the value conclusion of \$228,000 as of January 2010 is significantly diminished. The Board will consider only the appraisal's raw

sales data in its analysis and give less weight to the final value conclusion made by the appraiser.

The record contains a total of eleven sales for the Board's consideration. The Board gave less weight to the appellants' appraisal's comparables #2 and #3 due to their dissimilar slab foundation when compared to the subject's basement foundation. The Board gave less weight to the board of review's comparables #1 and #6 due to their sale dates occurring greater than 19 months subsequent to the subject's January 1, 2010 assessment date. In addition, comparable #1 is significantly smaller when compared to the subject. The Board also gave less weight to the board of review's comparable #2 due to its considerably newer age and superior style when compared to the subject. The Board finds the remaining six sales submitted by the parties were relatively similar to the subject in location, style, construction, size and features. These properties also sold most proximate in time to the January 1, 2010 assessment date at issue. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. The comparables had sale dates occurring from January 2009 to September 2010 for prices ranging from \$163,000 to \$262,000 or from \$108.22 to \$180.32 per square foot of living area, including land. The subject's assessment reflects a market value of \$258,491 or \$100.42 per square foot of living area, including land, which is within the range of the best comparables on a total market value basis and below the range of the best comparables on a square foot basis. This evidence further detracts from Taft's value conclusion of \$88.58 per square foot of living area including. After making adjustments to the comparables for differences when compared to the subject, such as land area and dwelling size, the Board finds the appellants did not demonstrate by a preponderance of the evidence that the subject was overvalued and no reduction in the subject's assessment is 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.



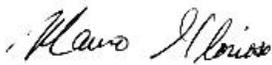
Chairman



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: January 24, 2014



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.