



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

APPELLANT: David & Pamela Jennings  
DOCKET NO.: 10-03970.001-R-1  
PARCEL NO.: 08-401-022-00

The parties of record before the Property Tax Appeal Board are David & Pamela Jennings, the appellants; and the Jo Daviess 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 Jo Daviess County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$32,270  
**IMPR.:** \$0  
**TOTAL:** \$32,270

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 4.402 acres of vacant land located in a neighborhood defined as "The Galena Territory". The Galena Territory is a resort development with four golf courses, an Inn and resort, and over 2,200 homes.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal estimating the subject property had a market value of \$96,500 as of January 1, 2010. The appraiser developed the sales comparison approach to value in estimating a value for the subject property. The appraiser utilized four comparable sales that sold from April 2007, through November 2009 for prices that ranged from \$72,000 to \$95,000, or from \$0.47 to \$0.65 per square foot of land area. The properties range in size from 2.53 acres to 4.60 acres. After making adjustments to the properties, the appraiser estimated the subject's market value to be \$96,500, or \$0.50 per square foot of land area as of January 1, 2010.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$37,600 was disclosed. The subject's assessment reflects a market value of \$112,440 using the three-year median level of assessment for Jo Daviess County as determined by the Illinois Department of Revenue of 33.44% for 2010.

The board of review submitted a total of four comparable sales, one of which was also utilized in the appellant's appraisal. The properties ranged in size from 2.177 to 2.757 acres of land area. The properties sold from December 2006 through January 2008 for prices ranging from \$72,000 to \$95,000 or from \$0.65 to \$1.00 per square foot of land area. The board of review contended the subject's assessment of \$37,600, or \$0.20 per square foot of land area is below the per square foot assessments of the board's four comparables whose assessments ranged from \$0.24 to \$0.38 per square foot of land area. As a result of its analysis, 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 this appeal.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> Dist. 2000). 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 Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Property Tax Appeal Board finds the best evidence to be the appellant's appraisal utilizing the sales comparison approach to value in determining the subject's market value. The Board gives less weight to the sales data submitted by the board of review. Two of the sales occurred in 2006 and all four of the sales properties were considerably smaller in size than the subject parcel. The two most recent sales submitted by the board of review sold in 2007 and 2008 for prices reflecting \$0.65 and \$1.00 per square foot. The appellant's appraiser concluded a value for the subject reflecting \$0.50 per square foot. These two board of review comparables are 49% and 57% the size of the subject and would expect to sell for more on a per square foot basis than the larger subject parcel. The appellant's two largest sales parcels were 3.16 acres and 4.60 acres and sold for prices reflecting \$0.54 and \$0.47 per square foot of land area. The appraiser's opinion of value for the subject of \$0.50 per square foot is within the range established by the most similar comparables.

Therefore, the Property Tax Appeal Board finds that the subject property had a market value of \$96,500 as of January 1, 2010. Since the market value of the subject has been established, the three-year median level of assessment as established by the Illinois Department of Revenue for Jo Daviess County residential property of 33.44% shall apply.

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: April 19, 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.