



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

APPELLANT: William Barker
DOCKET NO.: 11-00829.001-R-1
PARCEL NO.: 05-26-235-003

The parties of record before the Property Tax Appeal Board are William Barker, the appellant, and the Boone 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 Boone County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$6,139
IMPR.: \$15,817
TOTAL: \$21,956**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling with a finished attic. The home was built in 1951 and has frame exterior construction. The dwelling contains 1,118 square feet of above-grade living area.¹ Features of the home include a basement. The property has a 6,098 square foot site and is located in Belvidere, Belvidere Township, Boone County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted information on six comparable sales, four of which were reported in the Section V grid analysis of the appeal form and two of which were reported in a grid analysis on a board of review appeal form. The comparables are located from 4 blocks to about .25 of a mile from the subject property. The comparables are described as one-story or 1.5-story dwellings of frame construction that range in size from 702 to 1,124 square feet of living area. The dwellings range in age from 49 to 101 years old. Features of the comparables include a full or partial basement. Three of the

¹ The appellant reported a dwelling size that apparently excluded the finished attic area.

comparables have central air conditioning and four comparables have a garage ranging in size from 240 to 360 square feet of building area. The comparables have sites ranging in size from 4,356 to 8,712 square feet of land area. The comparables sold from April to November 2010 for prices ranging from \$5,000 to \$35,000 or from \$6.25 to \$44.30 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$11,700 which would reflect a market value of approximately \$35,100 or \$31.40 per square foot of living area, including land, based upon a dwelling size of 1,118 square feet.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$21,956 was disclosed.² The subject's assessment reflects a market value of \$66,433 or \$59.42 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for Boone County of 33.05% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review presented a memorandum outlining the evidence along with Exhibits 1 through 4. Exhibit 1 consists of the subject's property record card and both ground-level and aerial photographs of the subject. The property record card reveals the subject has a finished attic. Within the memorandum, the board of review reported that the subject is a rental dwelling.

As to the appellant's suggested sales, the board of review noted that each home lacks an attic which the subject has. In Exhibit 3, the board of review provided evidence that the appellant's comparable #1 was not exposed on the open market and that comparable #2 was sold by a "Guardian's Deed," although it was advertised for sale. Moreover, comparable #3 was a sale between relatives "and the remaining sales were all from mortgage companies with two of the sales having title transferred by a Special Warranty [deed]." (See PTAX-203 Illinois Real Estate Transfer Declarations).³ The board of review argued that these were distressed sales which are "questionable and present a very skewed picture of the market" but further noted that they "clearly are impacting the market in the City of Belvidere."

² There is a slight error in the Board of Review - Notes on Appeal wherein the total assessment is reported as \$21,955; the Notice of Final Decision, however, depicts a total 2011 assessment of \$21,956.

³ As of July 16, 2010, the Property Tax Code mandates that the Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. (35 ILCS 200/16-183) The Property Tax Code defines a compulsory sale in part as "the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete." (35 ILCS 200/1-23)

In support of the subject's assessment, the board of review wrote that its sales "present a different picture of the market for these types of homes and hopefully will be given more weight." Exhibit 4 consists of a spreadsheet of five comparable sales along with applicable property record cards and photographs to support the subject's estimated market value. The comparables are improved with one-story dwellings with attics where three of the attics are finished. The homes are of frame exterior construction and range in size from 1,023 to 1,282 square feet of living area. The dwellings were constructed from 1920 to 1957. Features of the comparables include a full or partial unfinished basement. Each home has central air conditioning and one or two garages ranging in size from 252 to 768 square feet of building area. The comparables have sites ranging in size from 6,534 to 10,454 square feet of land area. The comparables sold from April to August 2010 for prices ranging from \$61,000 to \$91,500 or from \$59.63 to \$73.32 per square foot of living area, including land. The board of review acknowledged that each of these comparables enjoy both central air conditioning and a garage which are not amenities of the subject property. The board of review contends these sales reflect a median sale price of \$80,000 whereas the subject has a lower estimated value. In conclusion the board of review argued that the sales used by the appellant "have problems which have affected the market value" whereas the board of review's sales were arm's length transactions.

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

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 not warranted.

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); 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of 11 sales to support their respective positions before the Property Tax Appeal Board. The Board finds less weight was given to appellant's comparables #1, #2, #3 and #6 due to the difference in dwelling size of these homes as compared to the subject.

The Board finds appellant's comparable #4 and the board of review comparables were most similar to the subject in size, style, exterior construction, features, age and/or land area. These

properties also sold from April to October 2010 which is proximate in time to the assessment date at issue of January 1, 2011. Due to their similarities to the subject and their dates of sale, these comparables received the most weight in the Board's analysis. The comparables sold for prices ranging from \$35,000 to \$91,500 or from \$31.14 to \$73.32 per square foot of living area, including land. The subject's assessment reflects a market value of \$66,433 or \$59.42 per square foot of living area, including land, which is within the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. After considering these most comparable sales, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value.

Based on this record, the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and 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

Marko M. Louie

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: October 18, 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.