



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

APPELLANT: William Barker
DOCKET NO.: 11-00830.001-R-1
PARCEL NO.: 05-26-284-010

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: \$7,204
IMPR.: \$17,130
TOTAL: \$24,334

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of "lustron steel" exterior construction. The dwelling contains 1,044 square feet of above-grade living area. Features of the home include a concrete slab foundation, central air conditioning and an attached two-car garage. The property has a 6,534 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 .25 to 1.25-miles from the subject property. The comparables are described as one-story dwellings of frame or metal construction that range in size from 768 to 1,288 square feet of living area. The dwellings range in age from 18 to 52 years old. Four of the comparables have a full basement, one of which is partially finished. Three of the comparables have central air conditioning and five comparables have a garage ranging in size from 308 to 360 square feet of

building area. The comparables have sites ranging in size from 8,712 to 12,632 square feet of land area. The comparables sold from March to December 2010 for prices ranging from \$7,550 to \$50,000 or from \$8.07 to \$47.62 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$10,000 which would reflect a market value of approximately \$30,000 or \$28.74 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal." The subject's total assessment of \$24,334 was reported on the Notice of Final Decision as supplied by the appellant. The subject's assessment reflects a market value of \$73,628 or \$70.52 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 a "Wikipedia" printout related to a "Lustron house." Other than describing the dwelling as a "lustron steel" home, the board of review did not further explain this submission. Exhibit 2 consists of the subject's property record card and both ground-level and aerial photographs of the subject. Within the memorandum, the board of review also reported that the subject is a rental property.

As to the appellant's suggested sales, the board of review noted that the majority of the sales are "distressed" in that they were sold by banks or HUD out of a foreclosure situation and transferred by Special Warranty deed.¹ Moreover, comparable #3 was reportedly a sale between relatives, although no documentation to support this contention was provided. The board of review argued that these sales present a skewed picture of the market.

Exhibit 4 consists of a spreadsheet on six 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 of frame exterior construction. The homes range in size from 952 to 1,237 square feet of living area. The dwellings were constructed from 1947 to 1974. Four of the comparables include a full or partial basement, each of which

¹ 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) This same mandate applied to boards of review as of the same date. (35 ILCS 200-16-55)

has finished area. Two of the comparables have central air conditioning and one has a fireplace. Each comparable has a garage ranging in size from 308 to 864 square feet of building area. The comparables have sites ranging in size from 7,405 to 12,196 square feet of land area. The comparables sold from April to July 2010 for prices ranging from \$77,900 to \$107,000 or from \$64.59 to \$93.86 per square foot of living area, including land. Comparable sales #2 and #6 were "bank sales" which the board of review contends were "sold in distressed sales." In the memorandum the board of review noted that several of these comparable sales have finished basements and/or additional bathrooms not enjoyed by the subject. Otherwise, the comparables reportedly were similar to the subject and located in an older portion of the City of Belvidere. These sales present a median sale price of \$92,500 and the subject's estimated market value is below this median.

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 12 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 and #6 along with board of review comparables #1, #3, #4 and #5 due to the difference in foundation as each of these properties had a full basement, five of which included finished areas, whereas the subject has a concrete slab foundation.

The Board finds the remaining comparables identified as appellant's comparables #3, #4 and #5 along with board of review comparables #2 and #6 were most similar to the subject in size, style, foundation, features, age and/or land area. These properties also sold from March to July 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 \$7,550 to \$79,900 or from \$8.07 to \$67.62 per square foot of living area,

including land. The subject's assessment reflects a market value of \$73,628 or \$70.52 per square foot of living area, including land, which is above the range established by the best comparable sales in this record on a per-square-foot basis, but appears justified giving due consideration to differences in dwelling size and amenities. After considering the 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

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: 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.