



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

APPELLANT: Robert & Joan Marsue Zenk
DOCKET NO.: 11-05217.001-R-1
PARCEL NO.: 15-09-193-000

The parties of record before the Property Tax Appeal Board are Robert & Joan Marsue Zenk, the appellants, and the Hancock 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 **Hancock** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$1,115
IMPR: \$8,551
TOTAL: \$9,666

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Property Tax Appeal Board concerning the 2010 assessment pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the subsequent 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a one and one-half story single family dwelling with 1,736 square feet of living area. Features of the home include a partial unfinished basement and a one-car detached garage. The dwelling is approximately 110

years old. The property is located in Warsaw, Hancock County, Illinois.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$20,000 as of July 28, 2009. To arrive at this opinion, the appraiser analyzed three sales that occurred in June 2009. Based on this evidence, the appellants requested an assessment as of January 1, 2011 reflective of the appraised value as of July 28, 2009 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$9,666. The subject's assessment reflects a market value of \$28,940 or \$16.67 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Hancock County of 33.40% as determined by the Illinois Department of Revenue.

As to the sales in the appellants' appraisal report, the board of review asserted that two of the sales were "not fair market sale[s]." To support this assertion, the board of review contended that one of the properties was sold by a financial institution by special warranty deed and one was a court ordered sale. Each of the applicable PTAX-203 Illinois Real Estate Transfer Declarations concerning these sales which were included indicate the properties were advertised prior to the respective sales. The board of review also contends that the lot size for appraisal comparable sale #2 was in error and should not have been adjusted downward by \$2,000.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales where comparable #1 represented an August 2011 sale price of \$41,600 where the property was not advertised prior to its sale¹ and comparable #2 was the same property with the June 2009 sale price of \$37,000 as reported in the appellants' appraisal as sale #2. Comparable #3 consists of a one-story frame dwelling of 1,476 square feet with a full unfinished basement, central air conditioning and a 576 square foot garage. This property sold in March 2011 for \$35,500 or \$24.05 per square foot of living area, including land.

¹ The documentation concerning this sale indicates the sale occurred in August 2010, although the document was not recorded until August 2011.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants contend board of review sale #1 reflecting the higher and more recent sale of appraisal sale #2 was sold through a financial institution and realtors the appellants consulted "advised it should have sold for \$34,000 to \$35,000 and it has had a complete interior renovation." In contrast, the appellants contend that the subject has never had major remodeling and "it needs extensive work."

Conclusion of Law

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

The Board has given little weight to the appraisal conclusion of value relied upon by the appellants. The appellants' appraisal report has an estimated market value for the subject as of July 28, 2009, a date about 1 ½ years prior to the valuation date at issue of January 1, 2011. Moreover, the appraiser's value conclusion was drawn from consideration of three sales that each occurred in June 2009.

The Board has given reduced weight to board of review comparable sale #3 as this was a dissimilar one-story dwelling with a full basement which differs from the subject.

The Board finds the best evidence of market value to be the raw sales presented by the appellants' appraisal report along with board of review comparables #1 and #2. The parties presented sales in both 2009 and 2011 for one property of \$37,000 and \$41,600. All of the sales presented by the parties occurred between June 2009 and August 2011 for prices ranging from \$20,000 to \$41,600 or from \$10.46 to \$25.58 per square foot of living area, including land. The subject's assessment reflects a market value of \$28,940 or \$16.67 per square foot of living area, including land, which is within the range established by the best and most similar comparable sales in the record on a

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per-square-foot basis. Based on this evidence the Board finds 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy 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: December 19, 2014

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.