



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

APPELLANT: Niehaus Limited Partnership  
DOCKET NO.: 12-00063.001-R-1  
PARCEL NO.: 09-13-31-451-003

The parties of record before the Property Tax Appeal Board are Niehaus Limited Partnership, the appellant, by attorney Michael J. Kehart of Kehart Trimble Wise Anderson & Booth in Decatur; and the Macon 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 **Macon** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:     \$37,801**  
**IMPR:     \$120,532**  
**TOTAL:    \$158,333**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story dwelling of brick and dryvit exterior construction containing approximately 4,050 square feet of living area. The dwelling was constructed in 1995. Features of the home include a partial finished basement, central air conditioning, two fireplaces, a three-car attached garage and an in-ground swimming pool. The property has a 7.89 acre site and is located in Decatur, Long Creek Township, Macon County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$434,000 as of March 9, 2012. The appraisal was prepared by David M. Drobisch, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

Under the cost approach the appraiser estimated the subject had a site value of \$63,000. The appraiser estimated the replacement cost new of the improvements to be \$445,650. The appraiser estimated the subject suffered from physical depreciation and external obsolescence totaling \$129,239 resulting in a depreciated improvement value of \$316,411. The appraiser also estimated the site improvements had an "as is" value of \$15,000. Adding the various components, the appraiser estimated the subject property had a market value under the cost approach of \$394,400.

Using the sales comparison approach the appraiser provided information on three comparable sales described as 1.5-story and 2-story dwellings of cedar, stone, or brick and stone exterior construction that ranged in size from 3,323 to 4,255 square feet of living area. The dwellings ranged in age from 6 to 15 years. Each comparable has a full basement that is finished, central air conditioning, one or two fireplaces and a three-car or four-car attached garage. Two comparables have in-ground swimming pools. The comparables have sites ranging in size from .63 to 5.16 acres. The comparables sold from July 2010 to December 2011 for prices ranging from \$395,000 to \$465,000 or from \$109.28 to \$120.37 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$419,090 to \$448,260. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$434,000.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$434,000 as of March 9, 2012. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$158,333 was disclosed. The subject's assessment reflects a market value of approximately \$475,047 or \$117.30 per square foot of living area, including land, when applying the statutory level of assessments of 33 1/3% of fair cash value. (35 ILCS 200/9-145).

In support of the subject's assessment the board of review submitted information on three comparable sales improved with one-story dwellings of brick or frame and brick construction

that ranged in size from 2,850 to 3,721 square feet of living area. The dwellings were constructed from 1997 to 2000. Features of the comparables include full finished basements, central air conditioning, two fireplaces and garages ranging in size from 1,060 to 1,268 square feet of building area. Two comparables also had swimming pools. The comparables had sites ranging in size from .72 to 1.33 acres and were located from 1 to 3 miles from the subject property. The board of review asserted the location of the comparables is in the same area as the subject property. The comparables sold from March 2010 to September 2011 for prices ranging from \$455,000 to \$580,000 or from \$127.65 to \$203.51 per square foot of living area, including land. 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 the evidence in the record does not support 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 (3<sup>rd</sup> 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 Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were relatively similar to the subject in location, size, style, exterior construction features and age. The comparables were inferior to the subject in land area. These properties sold proximate in time to the assessment date at issue for prices ranging from \$455,000 to \$580,000 or from \$127.65 to \$203.51 per square foot of living area, including land. The subject's assessment reflects a market value of \$475,047 or \$117.30 per square foot of living area, including land, which is within the overall price range but below the range on a per square foot basis, established by the best comparable sales in this record. Less weight was given the

appraisal due to the fact the comparable sales relied on by the appraiser were improved with dwellings not similar to the subject dwelling in design, being either a 1.5-story or a 2-story dwelling while the subject is improved with a one-story dwelling. 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.



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.