



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

APPELLANT: Lynn & Kyle Polhill
DOCKET NO.: 13-04253.001-R-1
PARCEL NO.: 11-07-32-278-002

The parties of record before the Property Tax Appeal Board are Lynn & Kyle Polhill, the appellants; and the Stephenson 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 **Stephenson** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 6,106
IMPR.: \$12,676
TOTAL: \$18,782

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Stephenson County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 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 consists of a one and one-half story dwelling of frame construction that contains 1,786 square feet of living area. The dwelling was constructed in 1920. Features include an unfinished basement, central air conditioning and a

two-car detached garage. The subject property is located in Westpoint Township, Stephenson County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a contract for the purchase of the subject property for \$56,000. The contract was signed on January 29, 2014. The appellants' appeal petition indicates the parties to the transaction were unrelated; the property sold by owner; the subject property was not advertised for sale; and the transfer was a contract for deed.

Additionally, the appellants submitted an appraisal of the subject property. The appraisal estimated a market value for the subject property of \$56,000 as of February 13, 2014. The appraiser developed the sales comparison approach in arriving at the value conclusion.

The appellants also submitted the final decision issued by the Stephenson County Board of Review disclosing the subject's final assessment of \$23,602. The subject's assessment reflects an estimated market value of \$70,370 when applying Stephenson County's 2013 three-year average median level of assessment of 33.54% as determined by the Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1). Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a).

Conclusion of Law

The appellants contend 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 have met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the only evidence of market value contained in this record is the appraisal and the sale of the subject property as submitted by the appellants. This evidence established the subject property has a market value of \$56,000. The subject's assessment reflects an estimated market value of \$70,370, which is greater than the value evidence submitted by the appellants. The board of review did not submit any evidence in support of the correct assessment of the subject property or refute the value evidence submitted by the appellants. 86 Ill.Admin.Code §1910.40(a). Thus, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a). Based on the evidence contained in this record, the Board finds a reduction in the subject's assessment is warranted. Since market value has been established, Stephenson County's 2013 three-year average median level of assessment of 33.32% as determined by the Department of Revenue shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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. F...

Member

Richard A. ...

Member

Mark ...

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: February 20, 2015

A. ...

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.