



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

APPELLANT: John Patterson Lockwood JP Trust  
DOCKET NO.: 12-03585.001-R-1  
PARCEL NO.: 18-13-26-354-002

The parties of record before the Property Tax Appeal Board are John Patterson Lockwood JP Trust, the appellant, by attorney Darin Doak, of the Law Offices of Darin R. Doak in Freeport; 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:** \$9,655  
**IMPR.:** \$39,980  
**TOTAL:** \$49,635

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant 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 2012 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-story dwelling of frame and brick exterior construction with 2,144 square feet of living

area.<sup>1</sup> The dwelling was constructed in 1991. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and a 528 square foot two-car garage. The property has a 13,320 square foot site and is located in Freeport, Freeport Township, Stephenson County.

The appellant appeared before the Property Tax Appeal Board through counsel, claiming overvaluation as the basis of the appeal.

The first witness called by the appellant was Deb Dinges, Deputy Assessor Freeport Township. Dinges acknowledged that the subject property has two bedrooms and none of the board of review comparables has two bedrooms. Dinges further acknowledged that the board of review comparable #1 is ten years newer. Dinges testified that 2012 was the general assessment year for Freeport Township. Dinges acknowledged that board of review comparable #8 is 13 years newer and has 2 more bedrooms than the subject property.

The appellant's second witness was Daniel Currier. Currier is a Certified General Appraiser licensed in Illinois. Currier testified that he inspected the interior and exterior of the subject property and prepared an appraisal of the subject. The purpose of the appraisal was to develop an opinion of market value of the subject property. Currier provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser relied on two of the three traditional approaches to value. The appraisal report conveys an estimated market value of \$150,000 as of November 27, 2012.

Under the cost approach Currier estimated the subject had a site value of \$40,000. The report revealed an estimated reproduction cost new of the improvements to be \$265,360 using the Marshall and Swift cost manual. The appraiser estimated the subject had an effective age of 10 years and a total economic life of 50 years. Using the age-life method, physical depreciation was estimated to be \$53,072, functional obsolescence was estimated to be \$13,268 and external obsolescence was estimated to be

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<sup>1</sup>The appellant's appraisal indicated the subject property has 2,144 square feet of living area. The board of review's property record indicates that the subject property has 1,844 square feet of living area. The appellant's appraiser testified that the 300 square feet labeled as "enclosed porch" on the board of review's property record card has been finished to living area and is considered a den.

\$79,608<sup>2</sup>. The appraiser calculated the depreciated cost of the building improvements to be \$119,412. The appraiser then added \$10,000 for site improvements and the land value of \$40,000 to arrive at an estimated value under the cost approach of \$170,000, rounded.

Under the sales comparison approach to value, the appraiser utilized four suggested sales located in the same subdivision as the subject property. The dwellings were described as one-story dwellings of brick and vinyl exterior construction. Each comparable has a basement with two comparables being a walkout style and three comparables having finished basement area. All of the comparables have central air conditioning and a two or three-car attached garage. Each comparable has a fireplace. The dwellings are from 13 to 21 years old. The dwellings range in size from 1,498 to 1,735 square feet of living area and are situated on lots that range in size from 9,180 to 17,100 square feet of land area. The comparables sold from January 2010 to January 2012 for prices ranging from \$130,000 to \$150,000 or from \$80.90 to \$100.13 per square foot of living area, land included. After adjusting the comparables for differences when compared to the subject in contract date, age, condition, land size, dwelling size, basement finish and other amenities, the appraiser calculated that the comparables had adjusted sales prices ranging from \$120,620 to \$165,845 or from \$75.06 to \$110.27 per square foot of living area, land included. Based on these adjusted sale prices, the appraiser concluded the subject property had an estimated market value of \$150,000 or \$69.96 per square foot of living area land included as of November 27, 2012 using the sales comparison approach.

Carrier also testified that the subject property has two bedrooms and within the subject's market this feature would negatively affect its value.

During cross-examination, Carrier testified that he used a 10% adjustment per year for the 2010 sales in the sales comparison approach based on his opinion of the Freeport market. Carrier further testified that he made a 5% functional obsolescence adjustment in the cost approach due to the subject property only having a two bedroom design and the only access to the basement is through the garage. Carrier testified regarding the sales comparison approach, that he selected sales from 2010 through 2012 to stay within the subject property's subdivision.

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<sup>2</sup> Functional depreciation was considered due to the only basement access being through the garage. External obsolescence was considered based on the weak current economic conditions.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$55,211. The subject's assessment reflects a market value of \$166,851 or \$77.82 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Stephenson County of 33.09% as determined by the Illinois Department of Revenue.

Representing the board of review was Chief County Assessment Officer and Clerk of the Board of Review, Ron Kane. Kane called Freeport Township Deputy Assessor Deb Dinges as a witness to testify regarding the evidence she prepared on behalf of the board of review

In support of its contention of the correct assessment the board of review submitted information on eight comparable sales. Comparable #1 and #7 are located in the same subdivision as the subject property. The comparables are improved with one-story single family dwellings that ranged in size from 1,680 to 1,992 square feet of living area. The dwellings were of frame exterior construction and were built from 1981 to 2004. Each comparable has a basement with five comparables having a walkout style basement and three comparables having a partially exposed basement. Seven comparables have some finished area in their basement. The comparables have central air conditioning, one fireplace and a two or three-car garage ranging in size from 418 to 768 square feet of building area. The comparables have sites that range in size from 13,260 to 42,253 square feet of land area. The comparables sold from March 2011 to May 2012 for prices ranging from \$152,000 to \$205,000 or from \$89.70 to \$102.91 per square foot of living area, land included.

#### **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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of the subject's market value to be the appraisal submitted by the appellant estimating the

subject the subject had a market value of \$150,000. The Board finds the appellant's appraiser provided credible testimony regarding the selection of the comparables, the adjustment process and final value conclusion. The Board further finds the board of review failed to adequately refute the appraiser's final value conclusion. The subject's assessment reflects a market value of \$166,851 which is greater than the appraised value. Based on this record, the Board finds the subject property had a market value of \$150,000 as of the assessment date at issue. The Board gave less weight to board of review's unadjusted comparables. The Board finds that six of the eight board of review comparables are not located in the subject's neighborhood and furthermore, five comparables have a significantly larger site size when compared to the subject. Since market value has been established the 2012 three year average median level of assessments for Stephenson County of 33.09% as determined by the Illinois 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.

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Chairman



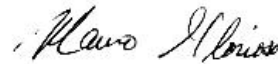
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DISSENTING: \_\_\_\_\_

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 22, 2016

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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.