



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

APPELLANT: Jennifer Haldeman-Doak  
DOCKET NO.: 12-03956.001-R-1  
PARCEL NO.: 18-18-02-376-003

The parties of record before the Property Tax Appeal Board are Jennifer Haldeman-Doak, 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:** \$17,927  
**IMPR.:** \$51,562  
**TOTAL:** \$69,489

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 brick and vinyl exterior construction with 2,260 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full walk-out basement with 1,026 square feet of finished area, central air conditioning, two fireplaces and a

728 square foot two-car attached garage. The property has a 48,515 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. In support of this argument, the appellant called as her witness Daniel P. Currier. Currier is employed by John P. Hill & Associates, Ltd., and is a Certified General Real Estate Appraiser licensed in Illinois. Currier testified that he has been a certified appraiser for 21 year.

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 as of January 1, 2012. 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 \$210,000 as of January 1, 2012.

Under the cost approach Currier estimated the subject had a site value of \$60,000. The report indicated the appraiser estimated the reproduction cost new of the improvements to be \$308,324 using the Marshall and Swift cost manual. The appraiser estimated the subject had an effective age of 8 years and a total economic life of 50 years. Using the age-life method, physical depreciation was estimated to be \$49,332 and external obsolescence was estimated to be \$92,497. The appraiser calculated the depreciated cost of the building improvements to be \$166,495. The appraiser then added \$10,000 for site improvements and the land value of \$60,000 to arrive at an estimated value under the cost approach of \$235,000, rounded.

Under the sales comparison approach to value, the appraiser utilized seven suggested sales and two listings located in Freeport from .01 to 1.92 miles from the subject. The dwellings were described as one-story dwellings of brick, frame, stone and frame or brick and vinyl exterior construction. The subject was described as being in average/good condition like comparables #1, #3, #4, #5, #8 and #9. Comparable #2 and comparable #6 were described as average condition and comparable #7 was described in good condition. Each comparable has a basement with six comparables being a walkout style and eight comparables having some finished area. All the comparables have central air conditioning and a two or three-car garage. Comparables #1

through #7 and #9 have one or two fireplaces. The dwellings are from 6 to 61 years old. The dwellings range in size from 1,759 to 2,721 square feet of living area and are situated on lots that range in size from 35,723 to 217,800 square feet of land area. The comparables sold/listed from April 2010 to June 2012 for prices ranging from \$160,000 to \$302,000 or from \$74.05 to \$138.60 per square foot of living area including land. 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/listing prices ranging from \$171,660 to \$257,495 or from \$71.22 to \$121.04 per square foot of living area including land. Based on these adjusted sale prices, the appraiser concluded the subject property had an estimated market value of \$210,000 or \$92.92 per square foot of living area including land as of January 1, 2012 using the sales comparison approach.

During cross-examination, Currier testified he completed two appraisals. Currier testified that he relied on the second appraisal, in which nine comparables were used. Ron Kane, Chief County Assessment Officer, stated that the second appraisal submitted to the board of review only contained three comparables. A corrected appraisal was submitted as rebuttal evidence to the Property Tax Appeal Board and contained three comparables in the sales comparison approach, but there were nine comparables on the location map and photographs. Kane made a motion to exclude the second appraisal based on it being incomplete. The motion was taken under advisement by the Administrative Law Judge. Currier testified that all the adjustments in the appraisal were subjective adjustments based on the experience in the market place and not on paired sales analysis.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$78,960. The subject's assessment reflects a market value of \$238,622 or \$105.58 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 four comparable sales. One comparable is located on the same street as the subject. Comparables #3 and #4 used by the board of review were also utilized by the appellant's appraiser. The comparables are improved with one-story single family dwellings that ranged in size from 1,867 to 2,242 square feet of living area. The dwellings were of frame exterior construction and were built from 1981 to 2004. Each comparable has a finished basement with three comparables having a walkout style basement. The comparables have central air conditioning, one fireplace and a two or three-car garage ranging in size from 625 to 912 square feet of building area. The comparables have sites that range in size from 16,220 to 217,800 square feet of land area. The comparables sold from June 2010 to May 2011 for prices ranging from \$205,000 to \$302,000 or from \$102.91 to \$138.60 per square foot of living area, land included.

During cross-examination, Dinges testified that the four comparables submitted on behalf of the board of review were reassessed and their assessments at market value were less than their sale price.

In rebuttal, the appellant submitted a "corrected appraisal" based on the typographical errors noted by the board of review. The appellant submitted a copy of a memorandum dated February 21, 2013 from the Freeport Township Assessor to the Stephenson County Board of Review, describing the subject property as having a one-car detached garage, which is in error. The appellant also submitted a list of issues based on the board of review evidence which included 10 properties in the appellant's neighborhood disclosing a decrease in valuation or sale from 2009 through 2012.

#### **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.

In support of the overvaluation argument the appellant submitted an appraisal and a corrected appraisal estimating the subject had a market value of \$210,000 as of January 1, 2012. The first appraisal was submitted with the residential appeal form. The corrected appraisal was submitted as rebuttal evidence to correct the typographical errors from the first appraisal. The board of review objected to the second appraisal report contending two pages of the report were missing, which contained six comparable sales. The Board hereby overrules the objection. The Property Tax Appeal Board finds that the objection goes to the weight that will be given the appellant's corrected appraisal.

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 \$210,000. The Board finds the appellant's appraiser provided 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 \$238,622 which is greater than the appraised value. Based on this record, the Board finds the subject property had a market value of \$210,000 as of the assessment date at issue. The Board gave no weight to the appellant's corrected appraisal based on two pages were missing which contained six of the nine sale comparables. The Board gave less weight to board of review unadjusted comparables based on their location, smaller dwelling sizes, age and/or site size when compared to the subject. In addition three of the sales are dated and occurred from June 2010 to November 2010, which is less indicative of fair market value as of the subject's January 1, 2012 assessment date. 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.

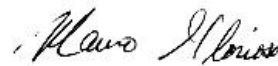
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Chairman



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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: September 18, 2015



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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.