



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

APPELLANT: Daniel & Betty Retzke
DOCKET NO.: 12-04558.001-R-1
PARCEL NO.: 18-18-02-326-010

The parties of record before the Property Tax Appeal Board are Daniel & Betty Retzke, the appellants, and the Stephenson 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 **Stephenson** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$21,887
IMPR.: \$98,270
TOTAL: \$120,157

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 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 two-story dwelling of brick and frame construction with 4,024 square feet of living area. The dwelling was constructed in 1993. Features of the home include an unfinished basement, central air conditioning, a fireplace and an attached three-car garage of 964 square feet of building area. The property has a 1.51-acre site and is located in Freeport, Freeport Township, Stephenson County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on four comparable sales and presented a brief noting that the

comparable properties appeared to be overvalued based on their respective assessments.¹

The comparables consist of a three-story and three, two-story frame, brick or brick and frame dwellings that were 9 or 18 years old. The homes reportedly range in size from 3,607 to 6,112 square feet of living area. Each home has a basement, three of which have finished areas. Each home has central air conditioning, two or three fireplaces and an attached three-car garage. The properties sold between September 2011 and November 2012 for prices ranging from \$293,000 to \$460,000 or from \$51.70 to \$95.10 per square foot of living area, including land.

Based on this evidence and argument, the appellants requested a total assessment of \$113,333 which would reflect a market value of approximately \$340,000 or \$84.49 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$120,157. The subject's assessment reflects a market value of \$363,122 or \$90.24 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.

The board of review submitted documentation written and gathered by the Freeport Township Assessor's Office. The township assessor reported that the subject dwelling was listed in July 2011 with an asking price of \$389,000 and was listed again in March 2012 with an asking price of \$379,900.

As to the appellants' comparable sales, the township assessor reported that comparable sale #1 was listed with a \$10,000 flooring allowance and after purchase the new owners obtained a permit for the bathroom; sale #2 has 3,641 square feet of above-grade living area, not 6,112 square feet as reported by the appellants; sale #3 was not listed on the open market and is not considered to be an arm's length sale transaction; and sale #4

¹ The Board has given little consideration to this argument in the brief by the appellants and finds the proper method to calculate assessment to value ratios for ad valorem taxation purposes is by using a property's prior year's assessment divided by its arm's-length sale price. The United States Supreme Court has considered the requirements of equal treatment in the assessment process with respect to the Equal Protection Clause of the federal constitution. This type of analysis does not demonstrate the subject's assessment is not uniform or reflective of fair market value. In Allegheny Pittsburgh Coal V. Webster County, 109 S.Ct. 633 (1989), the Court held that the "Clause tolerates occasional errors of state law or mistakes in judgment when valuing property for tax purposes [citation omitted]", and "does not require immediate general adjustment on the basis of the latest market developments. In each case, the constitutional requirement is the reasonable attainment of a rough equality in tax treatment of similarly situated property owners." The courts look to the county as a whole in order to determine whether the property at issue is being assessed in accordance with the constitutional guaranty of equality and uniformity of taxation.

does not have an enclosed porch as part of the living area as claimed by the appellants.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales in the same subdivision as the subject property. Board of review comparables #2, #3 and #5 are the same properties as appellants' comparables #1, #2 and #4, respectively. The comparable parcels range in size from 45,000 to 107,157 square feet of land area which are improvement with two-story frame or brick and frame dwellings that were built between 1994 and 2004. The homes range in size from 3,583 to 4,837 square feet of living area and feature basements, four of which have finished area and one of which is partially exposed and one of which is a walkout-style. Each home has central air conditioning, one to three fireplaces and a three-car or a four-car garage. The properties sold between June 2011 and October 2012 for prices ranging from \$293,000 to \$460,000 or from \$81.23 to \$97.96 per square foot of living area, including land.

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

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

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board where there are three common properties presented by both parties. The Board has given reduced weight to appellants' comparable #3 which reportedly was not an arm's length sale transaction as the PTAX-203 Illinois Real Estate Transfer Declaration indicates that the property was not advertised prior to its sale.

The Board finds the best evidence of market value to be the five board of review comparable sales which also includes appellants' comparables #1, #2 and #4. These five most similar comparables sold between June 2011 and October 2012 for prices ranging from \$293,000 to \$460,000 or from \$81.23 to \$97.96 per square foot of living area, including land. The subject's assessment reflects a market value of \$363,122 or \$90.24 per square foot of living area, including land, which is within the range established by the best and most recent comparable arm's length sales transactions in this record. The subject's estimated market value based on its assessment falls within the range of sales

both in terms of overall value and on a 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.

Chairman



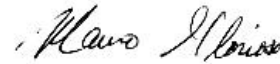
Member



Member



Acting Member



Member



Acting 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: November 20, 2015



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.