



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

APPELLANT: John Zajicek
DOCKET NO.: 12-04564.001-R-1
PARCEL NO.: 18-18-02-326-002

The parties of record before the Property Tax Appeal Board are John Zajicek, the appellant, and the Stephenson County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$23,791
IMPR.: \$90,102
TOTAL: \$113,893

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 two-story single-family dwelling of brick and frame construction with 3,003 square feet of living area. The dwelling was constructed in 1997. Features of the home include a full walkout-style basement with finished area, central air conditioning, two fireplaces and a three-car garage of 860 square feet of building area. The property has a 2.11-acre or 91,912 square foot site and is located in Freeport, Freeport Township, Stephenson County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located on the subject's street. In a brief or cover letter, the appellant reported there are a total of 13 homes on the subject's street and these sales that occurred between October 2011 and November 2012 are a fair representation of the market price of the subject as of January 1, 2012. The appellant also argued that to the extent that the assessing officials rely upon a sale from 2008 to justify the subject's assessment,

such data is not reflective of the current market given the downward correction in real estate values since 2008.

In the Section V grid analysis of the appeal petition, the appellant provided information on the four comparable properties. The parcels range in size from 1.2-acres (52,272 square feet) to 2.46-acres (107,158 square feet) which are improved with a three-story and three, two-story dwellings of cedar, brick or brick and frame exterior construction. The homes were 8 to 18 years old and range in size from 3,607 to 4,837 square feet of living area. Each home has a basement, three of which have finished areas. The dwellings feature central air conditioning, one to three fireplaces and a three-car garage. The properties sold between October 2011 and November 2012 for prices ranging from \$295,000 to \$460,000 or from \$70.69 to \$95.10 per square foot of living area, including land.

Based on this evidence, the appellant made a calculation to remove the land value and then averaged the remaining improvement value to arrive at an estimated market value of the subject dwelling. Therefore, given his calculation, the appellant requested a revised total assessment of \$85,277 which would reflect a market value of approximately \$255,831 or \$85.19 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 \$113,893. The subject's assessment reflects a market value of \$344,192 or \$114.62 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.

In response to the appeal, the board of review submitted information gathered and prepared by the Freeport Township Assessor's Office. As to the comparables presented by the appellant, the assessor contended that appellant's comparable #1 contains 3,641 square feet of living area as the "finished attic area has little to no contributory value, due to the non-conforming functionality of a finished 3rd floor that is not common in the area of the subject" nor common within the township. As to appellant's comparable #2, the assessor noted the listing remarked the property was "priced far below assessed" value and also provided for a \$10,000 flooring allowance. The assessor also reported that the new owners of comparable #2 obtained a building permit for \$12,000 in June 2012 to remodel a bath; the assessor did not view the dwelling, "but there may have been conditional issues with this property at the time of sale." As to appellant's comparable #4, the assessor contends that this property was not an arm's length sale transaction as it was not listed on the open market as shown by the PTAX-203 Illinois Real Estate Transfer Declaration.

In support of its contention of the correct assessment, the board of review through the township assessor submitted a spreadsheet with information on seven comparable sales from the subject's subdivision, where comparables #4, #5 and #7 were the same properties as appellant's comparables #2, #1 and #3, respectively, with variations in dwelling size and sale price for two of the properties which will be addressed further herein.

The comparable parcels range in size from .95 of an acre (41,382 square feet) to 2.46-acres (107,157 square feet) which are improved with a one-story and six, two-story dwellings of frame, brick or brick and frame exterior construction. The homes were 8 to 18 years old and

range in size from 2,179 to 4,837 square feet of living area. Each home has a basement, five of which have finished areas, one which is partially exposed and two of which are walkout-style. The dwellings feature central air conditioning, one to three fireplaces and a three-car garage or a four-car garage. The properties sold between July 2008 and October 2012 for prices ranging from \$293,000 to \$460,000 or from \$81.23 to \$138.60 per square foot of living area, including land.

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

In written rebuttal, the appellant contended that appellant comparable #1/board of review comparable #5 is a custom built three story dwelling where the third floor is not an attic. As to appellant's comparable #2/board of review comparable #4, the appellant contends the advertisement of the asking price below the "assessed value" simply reaffirms the appellant's contention that area properties are over assessed. As to board of review comparable #1, the appellant contends the dwelling has been updated and is "much newer" along with the sale price in 2010 being dated. For board of review comparable #2, the appellant contends that a sale from 2008 is not reflective of market value as of the assessment date at issue of January 1, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #4 as the documentary evidence established that the property was not advertised prior to the sale transaction such that the sale was not an arm's length transaction reflective of fair cash value. The Board has also given little weight to board of review comparables #1 and #2 as these properties sold in 2008 and 2010, dates remote in time from the assessment date and comparable #2 is also a dissimilar one-story style dwelling. The Board has also given reduced weight to appellant comparable #3/board of review comparable #7 and board of review comparable #6 as each of these dwellings are substantially larger than the subject dwelling.

As to appellant's comparable #2/board of review comparable #4, the Board finds that the documentation establishes the sale price of this property after deducting personal property from the total was \$293,000 or \$81.23 per square foot of living area, including land.

As to appellant's comparable #1/board of review comparable #5, the parties disagreed whether this dwelling was a two-story or a three-story home. The Board finds that the photographic evidence submitted by the appellant depicts a three-story home and the Board further finds that the board of review did not submit a copy of the subject's entire property record card to support the contention that the third floor was an attic; to the extent that the board of review provided data about the home, there was no reference in the documentation to an attic. The Board also

finds that the documentation establishes the sale price of this property after deducting personal property from the total was \$316,000 or \$68.52 per square foot of living area, including land, based on a dwelling size of 4,612 that includes the third floor area.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #2 which are also board of review comparables #5 and #4, respectively, and board of review comparable sale #3. These most similar comparables sold between April 2012 and October 2012 for prices ranging from \$293,000 to \$351,000 or from \$68.52 to \$97.96 per square foot of living area, including land. The subject's assessment reflects a market value of \$344,192 or \$114.62 per square foot of living area, including land, which is within the range established by the best comparable sales in this record in terms of overall value and is higher than the range of the best sales on a per-square-foot basis. The Board finds the subject's higher square foot value is justified given the accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases and the subject dwelling at 3,003 square feet of living area is smaller than the three best comparable sales in this record which ranged in size from 3,583 to 4,612 square feet of living area. 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



Member

Member

DISSENTING: _____

CERTIFICATION

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: June 24, 2016



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.