



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

APPELLANT: John & Phyllis Kelley
DOCKET NO.: 13-01708.001-R-1
PARCEL NO.: 05-12-476-006

The parties of record before the Property Tax Appeal Board are John & Phyllis Kelley, the appellants, and the Marshall 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 **Marshall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$20,699
IMPR.: \$71,680
TOTAL: \$92,379

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Marshall 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 part one-story and part two-story dwelling of frame exterior construction with 1,024 square feet of living area. The dwelling was constructed in 1990. Features of the home include a full finished basement, central air conditioning and a fireplace. The property is a lakefront

site in Lake Wildwood Subdivision which is located in Varna, Hopewell Township, Marshall County.

The appellants contend assessment inequity as the basis of the appeal concerning the subject's improvement assessment. No dispute was raised concerning the subject's land assessment. In support of the improvement inequity argument, the appellants submitted a grid analysis with information on four equity comparables that are lakefront sites close in proximity to the subject parcel and located on the same street as the subject along with applicable data sheets, property record cards and photographs. In addition, the appellants submitted a brief outlining the differences between the subject and the comparable properties which justifies a reduction in the subject's assessment.

The comparables consist of two one-story, a 1.5-story and a two-story dwelling. Each comparable has frame exterior construction and was built between 1992 and 2003. The homes range in size from 1,056 to 1,738 square feet of living area and feature full basements, central air conditioning, one or two fireplaces and three of the comparables have garages ranging in size from 704 to 957 square feet of building area. These comparables have improvement assessments ranging from \$49,527 to \$85,080 or from \$41.41 to \$67.48 per square foot of above-grade living area.¹

In their brief, the appellants noted differences in dwelling size, number of fireplaces and garage amenity when compared to the subject dwelling.

In addition, in Section IV of the Residential Appeal petition, the appellants reported that the subject property was purchased in July, 2012 for \$344,900. The appellants report the property was purchased from the previous owner and the parties to the transaction were not related; in addition, the subject property was not advertised prior to the sale. In the brief, the appellants report that the purchase price included the home "full furnished with new furniture," but an error was made in the recorded sale price which failed to exclude the furniture.

Based on this evidence, the appellants requested an improvement assessment of \$56,864 or \$55.53 per square foot of living area.

¹ The appellants' submission also included a handwritten document entitled "Worksheet" where the appellants utilized the individual assessments of the comparable dwellings, decks, fireplaces and/or garages in analyzing the subject's requested improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$98,859. The subject property has an improvement assessment of \$78,160 or \$76.33 per square foot of living area.

The board of review submitted a two-page memorandum outlining its evidence along with a grid analysis of four suggested equity comparables along with applicable data sheets, property record cards and photographs. Each of the comparable properties is on the lakefront in Hopewell Township as depicted on a subdivision map that was also submitted. Two of the comparables are on the same street as the subject, one is substantially south of the subject and one is on the other side of the lake from the subject. The four comparables consist of a part one-story and part two-story and three 1.5-story dwellings of frame exterior construction. The homes were built between 1971 and 1995 and range in size from 864 to 1,280 square feet of above-grade living area. Each comparable has a full basement and central air conditioning. One of the comparables has a fireplace and one of the comparables has a sunroom. None of the comparables has a garage. These properties have improvement assessments ranging from \$67,735 to \$90,195 or from \$70.46 to \$76.04 per square foot of above-grade living area. The board of review reported that the average improvement assessment of these four comparables was \$72.35 per square foot.

In the memorandum, the board of review contends that the comparables it has presented are more similar to the subject property than the comparables presented by the appellants. As to the recent purchase of the subject property, the board of review acknowledged the argument made by the appellants that the sale price included personal property (i.e., furniture), but noted that the appellants have never presented documentation from the sale transaction and/or any documentation that established the agreed value of those items of personal property at the time of sale.

Based on the foregoing evidence and argument, the board of review proposed a reduction in the subject's improvement assessment to \$74,086 or \$72.35 per square foot of above-grade living area which reflects the average improvement assessment of the board of review's four comparable dwellings.

The appellants were informed of this proposed assessment reduction by the board of review and rejected the offer contending that inequity would still remain when the subject was compared to nearby properties.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted a total of eight equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given no weight to appellants comparables #1 and #4 as these are dissimilar one-story dwellings when compared to the subject's part one-story and part two-story design. The Board has also given no weight to board of review comparable #2 which is significantly older than the subject dwelling, having been built in 1971, as compared to the subject that was built in 1990.

The Board finds the best evidence of assessment equity to be appellants' comparables #2 and #3 along with board of review comparables #1, #3 and #4. The Board further recognizes that appellants' comparable #3 and board of review comparable #3 are each larger and smaller, respectively, than the subject dwelling and therefore afforded slightly reduced weight in the Board's analysis. These five comparables had improvement assessments that ranged from \$65.65 to \$76.04 per square foot of above-grade living area. The subject's improvement assessment of \$76.33 per square foot of living area falls above the range established by the best comparables in this record and does not appear justified when giving due consideration to the subject's age, lack of a garage and dwelling size when compared to these properties. 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.

Based on this record the Board finds the appellants did demonstrate with clear and convincing evidence that the

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subject's improvement was inequitably assessed and a reduction in the subject's assessment is 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.

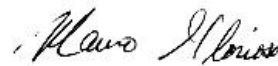
Chairman



Member



Member



Member



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: August 21, 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.