



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

APPELLANT: Lennard Lund
DOCKET NO.: 14-00248.001-R-1
PARCEL NO.: 03-27-277-018

The parties of record before the Property Tax Appeal Board are Lennard Lund, the appellant, and the Boone County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Boone** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$43,490
IMPR.: \$33,626
TOTAL: \$77,116

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Boone County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 is improved with a single-family dwelling. The subject land is a combined two lot¹ parcel that contains .74-acre or 32,234 square foot site on Candlewick Lake Front. The property is located in Poplar Grove, Caledonia Township, Boone County.

The appellant contends assessment inequity and overvaluation as the bases of the appeal concerning the subject's land assessment. No dispute was raised concerning the subject's improvement assessment. The appellant included a letter outlining his assertion that there were five vacant lots sold in 2014, four of those sales are presented in the Section V grid analysis of the appeal petition. The appellant also reported that one property suffered a fire and the improvement was demolished, but the land assessment of \$4,130 from 2013 remained unchanged for 2014 after the demolition. The letter also referenced one vacant parcel located off the lake

¹ The assessing officials characterized the subject property as consisting of "two lots" but provided no specific definition by size or dimensions of what comprises a "lot" in the subject area.

was sold for \$750, was deemed to be a non-valid sale, but its 2013 assessment of \$4,065 was reduced to \$250; the parcel is reportedly now owned by a member of the Boone County Board of Review. The appellant did not provide dates of sale and/or land areas for any of these properties besides the data that was provided in the Section V grid analysis.

As part of the letter, the appellant also reported data on listings of 37 lots on the golf course which were originally offered for \$380,000 and were reduced to \$340,000; the appellant also contended that lake lots have been listed for \$70,000, \$57,500, \$57,000 and \$39,900 with marketing times exceeding up to a year. Similarly, for these purported listings, the appellant provide little data concerning when the properties had these various asking prices and provided no land sizes for any of the properties for purposes of an analysis by the Property Tax Appeal Board.

In support of this land inequity argument, the appellant submitted information on four equity comparables. The comparables are located on the same street as the subject and range in size from 10,257 to 17,780 square feet of land area. The comparables have land assessments ranging from \$5,000 to \$29,333 or from \$0.30 to \$1.65 per square foot of land area.

For these four properties, the appellant also reported the recent sales that occurred between July 2012 and September 2014 for prices ranging from \$10,000 to \$45,000 or from \$0.56 to \$4.39 per square foot of land area. In the letter, the appellant further noted that comparable #1 was reduced in land assessment to 1/3 of its recent purchase price of \$15,000.

Based on this evidence and argument, the appellant requested a total land assessment of \$10,000 which would reflect a market value of approximately \$30,000 or \$0.93 per square foot of land area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$92,293. The subject property has a land assessment of \$58,667 or \$1.82 per square foot of land area. The subject's land assessment reflects an estimated market value of the land of \$173,931 or \$5.40 per square foot of land area based on the 2014 three-year median level of assessment for Boone County of 33.73%.

In response to the appeal, the board of review reported that the appellant purchased the subject vacant parcel in 2005 for \$375,500 and subsequently improved the property with a single-family dwelling. As to the four comparables presented by the appellant, the board of review contended that, but for appellant's comparable #3 that sold in 2012 for \$29,000, the sales reported by the appellant in the grid analysis have not been used for valuation purposes of the Candlewick Lake parcels "except where appealed to the Boone County Board of Review."

As to the appellant's arguments regarding parcels on the golf course, the assessing officials contend those properties are in an area known as Savannah Oaks in Candlewick Lake which are valued using a separate process different from the old portion or lake front neighborhood of the Candlewick Lake Subdivision where the subject is located. As to the current listings, the assessing officials contend that data has "no bearing on the 2014 appeal" and "[t]he parcels with lower assessed values on Candlewick Lake Front Neighborhood are parcels that have sold and appealed to the board based on sale price."

In support of its contention of the correct assessment the board of review submitted a letter arguing that lake front properties of the Candlewick Lake Subdivision are valued as a separate neighborhood based on various market influences. Exhibit 2 submitted by the board of review consists of a parcel list of the 204 parcels in the lake front neighborhood of Candlewick Lake. "The lots on the lake front were valued at \$88,000 market value / \$29,333 per lot for 2014." Properties above this value are multiple lots with the same value(s) multiplied by the number of lots, including the subject. Exhibit 2 consists of information on 204 parcels in the subject's neighborhood. The board of review further acknowledged that of the 204 parcels, there are four parcels that were "valued differently" and these were the parcels that were appealed to the Boone County Board of Review. Exhibit 4 consists of a grid analysis of three improved properties. The parcels range in size from .26 to .3932 of an acre or from 11,326 to 17,128 square feet of land area. The parcels have land assessments of \$29,333 or ranging from \$1.71 to \$2.59 per square foot of land area.

The board of review contends that the down turn in the market has resulted in few sales of lake front property in the subdivision. Exhibit 3 consists of a grid analysis of four improved comparable sales of one lot properties with one-story homes similar to the subject. The comparables sold between August 2011 and November 2014 for prices ranging from \$215,000 to \$290,500 or from \$117.55 to \$201.46 per square foot of living area, including land. Each of these parcels have land assessments of \$29,333 or ranging from \$1.53 to \$2.16 per square foot of land area.

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

Conclusion of Law

The appellant argued in part that the subject's assessment was not reflective of market value. When market value is the basis of the appeal, the value of the property must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted on this basis.

The Property Tax Appeal Board finds it highly problematic that the Boone County Board of Review acknowledged that reductions were made only to those parcels of land in the subject's immediate area which were appealed. The Board finds that this practice would result in inequitable land assessments. It is the duty of the board of review to equalize assessments; thus, if there is sufficient market based evidence to alter the assessment of vacant land parcels that are appealed, such market evidence should be uniformly applied to the jurisdiction to alter similar area parcels and result in more uniform land assessments that reflect current market value data.

The appellant presented four sales of vacant land parcels for the Board's consideration. The assessing officials failed to provide any evidence of vacant land sales to support the land assessment of the subject parcel or their methodology of valuing "lots" at \$88,000. The sales

data provided by the board of review was of improved parcels where there is no evidence available to extract the land value from the improvement value for purposes of analysis. The appellant's unrefuted evidence established that parcels ranging in size from 10,257 to 17,780 square feet of land area sold between July 2012 and September 2014 for prices ranging from \$10,000 to \$45,000 or from \$0.56 to \$4.39 per square foot of land area. The subject parcel of 32,234 square feet of land area has a land assessment that reflects a market value based on its assessment of \$173,931 or \$5.40 per square foot of land area, which is above the best comparable vacant land sales in the record. After considering adjustments to the comparables for any differences when compared to the subject, including that the subject is substantially larger than the comparable sale parcels, the Property Tax Appeal Board finds the subject's estimated land value as reflected by its assessment is excessive and a reduction is warranted.

The appellant also contended unequal treatment in the subject's land assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in the subject's land assessment for overvaluation, the Board finds that the subject parcel is now equitably assessed and no further reduction in the subject's land assessment is warranted.

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.