



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

APPELLANT: Darin & Andrea Markert  
DOCKET NO.: 14-00749.001-R-1  
PARCEL NO.: 14-28-352-046

The parties of record before the Property Tax Appeal Board are Darin and Andrea Markert, the appellants, and the McLean 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 **McLean** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$8,345  
**IMPR.:** \$18,655  
**TOTAL:** \$27,000

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants timely filed the appeal from a decision of the McLean 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 consists of a one-story dwelling of frame construction with 956 square feet of living area. The dwelling was constructed in 1954. Features of the property include a full basement, central air conditioning, a fireplace and a detached garage with 336 square feet of building area. The property has a 9,350 square foot site and is located in Normal, Normal Township, McLean County.

The appellants contend assessment inequity with respect to the improvement assessment and overvaluation as the bases of the appeal. In support of the assessment inequity argument the appellants submitted limited information on two equity comparables described as being improved with one-story dwellings. The comparables had land assessments of \$7,578 and \$8,713 and improvement assessments of \$13,126 and \$4,753, respectively.

With respect to the overvaluation argument the appellants submitted a "Real Estate Evaluation Form" from Town & Country Financial Corp. The document was not dated or signed. The document included information on three comparable sales improved with one-story dwellings that ranged in size from 1,040 to 1,381 square feet of above grade living area. The dwellings were constructed in 1950 and 1956. Each comparable has a 1-car or a 2-car garage. The sales occurred from September 2011 to December 2012 for prices of \$68,500 and \$71,500 or from \$49.60 to \$65.87 per square foot of above grade living area. Using these sales the report indicated the subject should have a value of \$41,000.

The evaluation form also had an income approach to value using a monthly rent of \$900 per month or \$10,800 per year, a vacancy and credit loss of 5%, an expense ratio of 40% and a capitalization rate of 9% to arrive at an estimated value of \$68,400.

The record also indicates the subject property was purchased in May 2013 for a price of \$55,000. The appellants indicated the parties were not related but did not disclose the seller's name. The appellants further indicated the property was advertised for sale and listed in the Multiple Listing Service (MLS) but did not know how long it had been on the market. They further indicated that they spent \$5,800 after the purchase to replace the roof and repair the basement wall.

Based on this evidence the appellants requested the subject's assessment be reduced to \$18,333.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,667. The subject's total assessment reflects a market value of \$116,013 or \$121.35 per square foot of living area, including land. The subject property has an improvement assessment of \$30,322 or \$31.72 per square foot of living area. The board of

review indicated that it was willing to stipulate to a revised assessment of \$27,000 reflecting a market value of \$81,008 or \$84.74 per square foot of living area, including land.

The board of review noted that the appellants purchased the subject property from a Bank Trust and that the Bank Trust had acquired the property from a tax buyer who had obtained a tax deed in May 2013. The board of review submitted copies of the PTAX-203 Illinois Real Estate Transfer Declaration associated with both sales. The documents show that Regions Bank Trust purchased the property from Mark S. Schneider for a price of \$11,711. Regions Bank Trust then sold the property to the appellants for \$55,000. The transfer declarations indicated both transfers occurred in May 2013. The board of review questioned the arm's length nature of the transaction.

With respect to the "Real Estate Evaluation Form" the board of review noted that it was unsigned and not dated. With respect to the comparables in the evaluation form, the board of review asserted that the sale located at 1012 Morgan was a 1½-story not a one-story home. It further explained that the December 2012 sale of this property was from a bank. This property sold again in April 2013 for \$112,500 and sold a third time in November 2014 for a price of \$120,000. The board of review provided copies of the real estate transfer declarations associated with each sale.

The board or review further indicated the December 2011 sale associated with 730 Dale contained in the "Real Estate Evaluation Form" was a "short sale" and questioned the arm's length nature of the transaction.

The board of review explained the subject property is located in a "college rental" neighborhood. It noted that the property was advertised on Craigslist in June 2013 for a total monthly rent of \$1,350 and again in February 2014 for a total monthly rental of \$1,500. With respect to the income approach in the "Real Estate Evaluation Form" it noted the income rate used was \$900 per month whereas the property was being advertised for \$1,350 and \$1,500 per month.

In support of its contention of the correct assessment the board of review submitted information on four comparables improved with one-story dwellings that ranged in size from 855 to 1,033 square feet of living area. The dwellings were constructed from 1955 to 1961. Each comparable had a basement, three comparables had central air conditioning and each had a garage ranging in

size from 236 to 432 square feet of building area. These comparables sold from April 2013 to December 2013 for prices ranging from \$90,000 to \$119,500 or from \$91.97 to \$118.08 per square foot of living area, including land.

The board of review also developed two income approaches to value using a monthly rent of \$1,350 and \$1,500, a vacancy and collection loss of 5%, an expense ratio of 40% and a capitalization rate of 8.34%, which was taken from RealtyRates.com. Based on these factors the board of review estimated the subject property had indicated values under the income approach of \$110,719 and \$123,022, respectively.

The board of review also developed an assessment equity analysis using 15 comparables located in the subject's neighborhood improved with one-story dwellings that ranged in size from 735 to 1,040 square feet of living area. The dwellings were constructed from 1948 to 1961. Each comparable had a basement with eight having finished area, eleven had central air conditioning and fourteen comparables had a garage ranging in size from 236 to 630 square feet of building area. Two of the comparables were also listed in the appellants' assessment equity grid analysis albeit the appellants failed to provide any descriptive information about the comparables. The comparables had improvement assessments ranging from \$4,753 to \$30,016 or from \$4.95 to \$39.20 per square foot of living area. The board of review indicated the comparable with the lowest assessment, which was also submitted by the appellants, appears to be an outlier. When eliminating the lowest comparable results in a narrower range from \$15.25 to \$39.20 per square foot of living area. The board of review indicated that the median improvement assessment per square foot of living area was \$30.23 per square, excluding the outlier. The board of review contends that its proposed improvement assessment of \$18,655 or \$19.51 per square foot of living area is within the range of these comparables and well below the median.

In rebuttal the appellants asserted the subject property was listed with a Realtor and he had no connection with the seller. The appellants also contend the comparables provided by the board or review were of a nicer construction with more recent updates and nicer landscaping. The appellants argued that the assessor had been overaggressive in the assessment and that the 2014 assessment should fall between the 2013 assessment of \$18,333 and \$21,333.

#### **Conclusion of Law**

The taxpayers contend in part 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 evidence in the record supports a reduction in the subject's assessment on this basis.

The Board finds the best evidence of assessment equity was presented by the board of review which included fifteen comparables located in the subject's neighborhood. The fifteen comparables included the two comparables listed by the appellants in their assessment grid analysis. The comparables had varying degrees of similarity to the subject property and had improvement assessments that ranged from \$4.95 to \$39.20 per square foot of living area. The subject's improvement assessment of \$31.72 per square foot of living area falls within the range established by these comparables. Nevertheless, the board of review proposed to reduce the subject's improvement assessment to \$18,655 or \$19.51 per square foot of living area. Based on this record the Board finds a reduction to the subject's improvement assessment commensurate with the board of review proposal is appropriate.

The appellants also argued overvaluation as an alternative basis of the appeal. The appellants indicated the subject property was purchased in May 2013 for a price of \$55,000. The Board questions the arm's length nature of the sale as the appellants failed to name the seller on the petition and did not provide evidence establishing how long the property was advertised on the open market. Additionally, the appellants provided no documentation to corroborate the circumstances surrounding the sale. The record did contain copies of two transfer declarations provided by the board of review disclosing Regions Bank Trust purchased the subject property in May 2013 from Mark S. Schneider and then sold the subject property to the appellants that same month. These documents indicate the property could not have been exposed on the market for an extended length of time between these two transactions. Based on this record the Board gives less weight to the sale of the subject property.

The appellants also submitted a "Real Estate Valuation Form" in support of the overvaluation argument. The Board gives this evidence little weight finding that the form was not dated and there was no evidence identifying the person who prepared the form or the appraisal qualifications of the person who offered the opinion of value. The Board further finds the sales used in the valuation form were dated occurring more than one year prior to the assessment date at issue. The Board further finds the income approach used in the "Real Estate Valuation Form" appeared to be developed based on rental rates established in 2012 rather than being reflective of market rent for the 2014 tax year.

The Board finds the board of review did provide information on four comparable sales with varying degrees of similarity to the subject property. These comparables sold from April 2013 to December 2013 for prices ranging from \$90,000 to \$119,500 or from \$91.97 to \$118.08 per square foot of living area, including land. The subject's assessment reflects a market value of \$116,013 or \$121.35 per square foot of living area, including land, which is above this range on a square foot basis. However, the board of review proposed to reduce the subject's total assessment to \$27,000 to reflect a market value of \$81,008 or \$84.74 per square foot of living area, including land, which appears justified when considering these sales.

In conclusion the Board finds a reduction to the subject's assessment is appropriate.

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

*K. L. Fan*

*Klaus Albrecht*

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Member

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Member

*JR*

*Jerry White*

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Member

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Acting Member

*Robert Steffen*

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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: December 18, 2015

*A. Proctor*

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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.