



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

APPELLANT: Darin & Andrea Markert
DOCKET NO.: 14-00752.001-R-1
PARCEL NO.: 14-28-351-023

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 no change 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: \$8,403
IMPR.: \$27,597
TOTAL: \$36,000

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) contesting 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 was improved with a one-story dwelling of frame construction with 1,155 square feet of living area. The dwelling was constructed in 1950. Features of the property include a partial basement that has finished area, central air conditioning, one fireplace and a detached garage with 480 square feet. The property has an 8,712 square foot site and is located in Normal, Normal Township, McLean County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$78,500 as of October 1, 2014. The appraisal was prepared by Gail L. Winn, a Certified Residential Real Estate Appraiser, of Winn & Associates, Inc.

In estimating the market value of the subject property the appraiser developed the sales comparison approach using three comparable sales improved with one-story dwellings that ranged in size from 796 to 1,128 square feet of living area. The dwellings ranged in age from 56 to 63 years old. Each comparable had a basement with two being finished and a one-car or a two-car garage. The comparables sold from July 2013 to September 2013 for prices ranging from \$78,500 to \$97,000 or from \$69.59 to \$112.27 per square foot of living area. The appraiser made adjustments to comparables #2 and #3 for differences from the subject in condition, room count, basement or basement finish and garage bays to arrive at adjusted prices ranging from \$78,500 to \$97,000. The appraiser gave most weight to sale #1 as no adjustments were made to this property. The appraiser arrived at an estimate of value of \$78,500. The appraiser also reported the subject property had previously sold in December 2011 for a price of \$71,500. Based on this evidence the appellants requested the assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,000. The subject's assessment reflects a market value of \$107,752 or \$93.29 per square foot of living area, land included, when using the 2014 three year average median level of assessment for McLean County of 33.41% as determined by the Illinois Department of Revenue.

The board of review indicated the subject property is used as a college rental and is located in a neighborhood described by the township assessor as a "college rental" neighborhood. The board of review submitted a copy of the subject's property record card and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's purchase disclosing the subject property sold as a "short sale" in December 2011 for a price of \$71,500.

In rebuttal the board of review asserted that the comparables used in the appraisal are questionable as all are significantly

smaller than the subject property and are located over $\frac{1}{4}$ of a mile from the subject property. The board of review indicated that comparable #1 has 778 square feet of living area and not 1,128 square feet as reported in the appraisal. A copy of the property record card for appraisal comparable #1 was submitted by the board of review to support this statement. The board of review also noted there were no adjustments for differences in size, fireplaces and other amenities such as decks, patios and fences. It also noted that comparable #2 was adjusted for having a one car garage while comparable sale #3 was not adjusted for having a one-car garage. The board of review also questioned why the appraiser did not develop the income approach to value.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales improved with one-story dwellings of brick or aluminum siding exteriors that ranged in size from 1,033 to 1,215 square feet of living area. The dwellings were constructed from 1955 to 1962. Each comparable had a basement with three being finished, each comparable had central air conditioning, each had one fireplace and each comparable had a garage ranging in size from 308 to 576 square feet of building area. The comparables were located within two blocks of the subject property. The sales occurred from April 2013 to July 2014 for prices ranging from \$95,000 to \$135,500 or from \$85.71 to \$116.61 per square foot of living area, including land.

The board of review also noted the subject property contained three bedrooms and was listed for rent for \$500 per bedroom per month per a craigslist ad dated September 13, 2013. The board of review developed an income approach to value using a potential gross income \$18,000, a vacancy and collection loss of 10%, a 40% expense ratio and a capitalization rate of 8.34% to arrive at an estimated value of \$123,022.

The board of review submission also included a copy of a map noting the location of the comparables submitted by the parties relative to the subject property.

In rebuttal the appellant, Darin Markert, asserted that the appraiser used standard practices to determine market value. The appellant also stated the subject property is located near Illinois State University but is still in an overwhelmingly owner occupied neighborhood. The appellant also argued the board of review selected the nicest properties in the area with two being full brick homes with updates and nice landscaping.

The appellant contends the subject property is dated with older aluminum siding and a kitchen that was remodeled in the early 90's.

The appellant also contends he purchased three other properties between 2011 and 2013 that reflect values in the neighborhood. Section 1910.66(c) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.66(c)) provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

The three properties referenced by the appellant in rebuttal are new comparables not previously submitted by either party in this appeal. Due to the fact these properties are new comparables; the Board finds that these comparables are improper rebuttal evidence and cannot be considered.

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 Board finds the best evidence of market value to be the comparable sales submitted by the board of review. The comparables provided by the board of review were most similar to the subject in location and size. These comparables sold for prices ranging from \$95,000 to \$135,500 or from \$85.71 to \$116.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$107,752 or \$93.29 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. Less weight was given the appellants' appraisal as the size for comparable sale #1 was misreported, which was the comparable sale given the most weight by the appraiser, and each

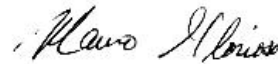
comparable was significantly smaller than the subject dwelling. Additionally, the adjustments in the appraisal were not consistent in that comparable #2 was adjusted for room count and total rooms whereas comparable #3 was not adjusted for this item even though it had the same number of rooms as comparable #2. Furthermore, comparable #1 had fewer rooms and fewer bathrooms than the subject but was not adjusted. Additionally, comparable #2 was adjusted for having a one-car garage whereas comparable #3 was not adjusted for having a one-car garage. Due to these factors, the Board finds the conclusion of value in the appellants' appraisal is not credible. After considering the correct size for appraisal comparable #1, the appraisal comparables had unadjusted prices ranging from \$100.90 to \$112.27 per square foot of living area, including land. The subject's assessment reflecting a market value of \$93.29 per square foot of living area, including land, is below the range established by the appraisal comparable sales on a 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



Member

Acting 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: February 19, 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.