



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

APPELLANT: Darin & Andrea Markert
DOCKET NO.: 14-00753.001-R-1
PARCEL NO.: 14-28-355-017

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: \$7,397
IMPR.: \$27,103
TOTAL: \$34,500

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 is improved with a one-story dwelling of frame construction with 938 square feet of living area. The dwelling was constructed in 1949. Features of the home include a finished basement and central air conditioning. The property has a 6,554 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 \$87,000 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 774 to 864 square feet of living area. The dwellings were either 56 or 61 years old. Each comparable has a basement with two being finished and a one-car garage. The comparables sold from April 2013 to September 2013 for prices ranging from \$82,000 to \$97,000 or from \$103.02 to \$113.37 per square foot of living area, including land. The appraiser made adjustments to comparable #1 for differences from the subject in condition and lack of basement finish. The appraiser also made a negative \$1,500 adjustment to each comparable for a one-car garage. The adjusted prices ranged from \$86,250 to \$95,500. The appraiser gave most weight to sale #2 asserting in the report this property required the least amount of adjustments; however, the appraisal actually indicated that both comparable sales #2 and #3 had a negative adjustment of \$1,500 for the one-car garage. The appraiser arrived at an estimate of value of \$87,000. The appraiser reported the subject property had previously sold in September 2013 for a price of \$65,625.

The appellants indicated on the appeal that the subject was purchased in September 2013 for a price of \$65,625. The seller was identified as US Bank and the appellants indicated the property was sold by a Realtor and by Auction. The appellant marked that the parties were not related. The appellants further indicated the property was advertised for sale for 30 days in the Multiple Listing Service and with a sign.

Based on this evidence the appellants requested the assessment be reduced to \$29,000 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 \$35,000. The subject's assessment reflects a market value of \$104,759 or \$111.68 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 sale disclosing the buyer was exercising an option to purchase.

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 also questioned the adjustments or lack of adjustments in the appraisal noting there was no adjustment for differences in gross living area and no adjustments for other amenities such as patios, porches, fences and decks. It also noted that the subject was listed in average/good condition and appraisal comparable #1 was adjusted \$5,000 for being in average condition but comparable #3 was not adjusted even though it was in good condition. The board of review also asserted the subject was described as not having a garage but the property has 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 four comparable sales improved with one-story dwellings of aluminum siding, brick or frame and brick exteriors 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 with one being finished, three comparables had central air conditioning and each comparable had a garage ranging in size from 236 to 432 square feet of building area. The comparables were located from four to six blocks from the subject property. The sales occurred from April 2013 to December 2013 or for prices ranging from \$90,000 to \$119,500 or from \$91.97 to \$118.08 per square foot of living area, including land. Board of review comparable #3 sold again in August 2014 for a price of \$124,000 or \$122.53 per square foot of living area, including land. In the analysis adjustments were made to the comparables to account for differences from the subject property.

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 of \$18,000, a vacancy and collection loss

of 5%, 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. He further stated that the subject's garage was removed in the fall of 2013 indicating that the board of review records are not accurate. A photograph of the subject property contained in the appraisal depicts the property without any garage. The appellant further argued the subject was purchased through a Realtor with no connection between the buyer and seller.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the record contains an appraisal with three comparable sales presented by the appellants and four comparables submitted by the board of review with one of the properties selling twice. The comparable sales had varying degrees of similarity to the subject property and sold for prices ranging from \$91.97 to \$122.53 per square foot of living area, including land. The subject's assessment reflects a market value of \$111.68 per square foot of living area, including land, which is within the range established by the comparable sales in the record. However, the record disclosed the subject property was being assessed for a garage, which was removed in 2013; therefore, some reduction is justified on this basis. The record also disclosed the subject property sold in September 2013 for a price of \$65,625 or \$69.96 per square foot of living area, including land. The Board finds there was some issue with respect to the relationship of the parties as the transfer declaration stated the buyer was exercising an option to purchase. Additionally, the purchase price is significantly below the range of the sales in this record indicating the price is not indicative of fair cash value. Based on this evidence the Board finds a slight reduction in the subject's assessment is justified to account for the absence of a garage on the subject property.

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

K. L. Fan

Mario Alvarez

Member

Member

JR

Member

Acting Member

Robert Hoffmann

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

A. Proctor

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.