



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

APPELLANT: Peter and Nancy Gerard  
DOCKET NO.: 14-02444.001-R-1  
PARCEL NO.: 03-14-105-030

The parties of record before the Property Tax Appeal Board are Peter and Nancy Gerard, the appellants, and the Grundy County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Grundy** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$11,150  
**IMPR.:** \$42,987  
**TOTAL:** \$54,137

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants timely filed the appeal from a decision of the Grundy 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 two-story single-family dwelling of frame exterior construction with 2,834 square feet of living area.<sup>1</sup> The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 441 square foot garage. The property has a .21-acre site and is located in Minooka, Aux Sable Township, Grundy County.

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<sup>1</sup> The appellants reported a dwelling size of 2,768 square feet of living area as depicted in a property record card dated 2/27/2015. The board of review reported a dwelling size for the subject of 2,834 square feet of living area as shown in a property record card dated 6/1/2015. While the Board finds that the slight discrepancy in dwelling size does not prohibit a determination of the correct assessment, the Board has accepted the size as reported by the board of review.

The appellants contend assessment inequity as the basis of the appeal concerning the subject's improvement assessment. No dispute was raised concerning the land assessment. In support of this inequity argument, the appellants submitted information on four equity comparables in the Section V grid analysis that were located within 1/8 of a mile from the subject property; these four comparables were repeated in a second chart and were identified as "original comparables submitted" along with a second chart of comparables numbered 1 through 4 entitled "additional comparables to support claim."

The "original" four comparables consist of two-story frame or frame and brick dwellings known as Kensington or Lafayette models that were 10 years old. The homes range in size from 2,678 to 2,826 square feet of living area and feature full unfinished basements, central air conditioning and a two-car garage of either 420 or 441 square feet of building area. Two of the comparables also have a fireplace. The properties have improvement assessments ranging from \$32,018 to \$33,528 or from \$11.33 to \$12.42 per square foot of living area for a reported average improvement assessment of \$12.05 per square foot of living area.

The "additional" four comparables consist of Lafayette model dwellings that contain either 2,585 or 2,750 square feet of living area. No other descriptive details were provided by the appellants in the chart such as foundation, age, exterior construction or amenities. These properties have improvement assessments ranging from \$34,465 to \$36,242 or from \$12.53 to \$14.02 per square foot of living area or an average improvement assessment of \$12.97 per square foot of living area.

Based on this evidence, the appellants requested a reduced improvement assessment of \$34,628 or \$12.22 per square foot of living area based upon a dwelling size of 2,834 square feet of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,137. The subject property has an improvement assessment of \$42,987 or \$15.17 per square foot of living area.

In response to the appeal, the board of review submitted a letter from its Chairman who noted that the appellants used all different model types and not use any Lafayette-B dwellings like the subject.

In support of its contention of the correct assessment the board of review submitted information on three equity comparables located within a 10.5 block radius of the subject. Each comparable is a Lafayette-B model dwelling of frame construction that was built in 2004 and contains either 2,816 or 2,834 square feet of living area. The homes have full basements, central air conditioning and a 441 square foot garage. Two of the comparables each have a fireplace. These comparables have improvement assessments ranging from \$50,943 to \$54,249 or from \$18.09 to \$19.14 per square foot of living area.

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

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of 11 equity comparables to support their respective positions before the Property Tax Appeal Board. On this limited record and in the absence of details of characteristics of the respective dwellings, the Board has given reduced weight to the appellants' comparables due to differences in model type.

The Board finds the best evidence of assessment equity to be the board of review comparables. These three comparables were all Lafayette-B model dwellings and had improvement assessments that ranged from \$18.09 to \$19.14 per square foot of living area. The subject's improvement assessment of \$15.17 per square foot of living area falls below the range established by the best comparables in this record. Based on this record the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellants have not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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.



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Chairman



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Member



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Member



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Member

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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: July 22, 2016



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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.