



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

APPELLANT: Darin & Andrea Markert
DOCKET NO.: 15-00293.001-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 in this matter, 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) challenging the assessment for the 2015 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 approximately 1,155 square feet of living area. The dwelling was constructed in 1950. Features of the home include a partial basement with 800 square feet of finished area, central air conditioning, one fireplace and a detached garage with 480 square feet of building area. The property has an 8,712 square foot site and is located in Normal, Normal Township, McLean County.

The appellants contend both overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation 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 has a basement with two being finished and a one-car or a two-car garage. The comparables sold in July 2013 and 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 \$87,000. 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.

With respect to the assessment inequity argument the appellants provided information on four comparables described as being improved with one-story dwellings of frame construction that range in size from 648 to 1,092 square feet of living area. The dwellings were constructed from 1900 to 1950. The appellants indicated each of these properties has a basement, central air conditioning and a garage ranging in size from 228 to 314 square feet of building area. The comparables have improvement assessments ranging from \$11,529 to \$19,291 or from \$12.44 to \$18.55 per square foot of living area. The comparables have sites ranging in size from 8,500 to 9,800 square feet of land area. The comparables have land assessments ranging from \$7,709 to \$8,403 or from \$.79 to \$.96 per square foot of land area.

Based on this evidence the appellants requested the assessment be reduced to \$26,166, which would be reflective of 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 \$108,860 or \$94.25 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for McLean County of 33.07% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$27,597 or \$23.89 per square foot of living area and a land assessment of \$8,403 or \$.96 per square foot of land area.

The board of review indicated the subject property was being used as a college rental and provided a copy of a rental listing describing the property as being remodeled with an updated kitchen with a rent of \$500 per bedroom or \$1,500 per month. The board of review indicated the property was located in assessment neighborhood #24, which is described as a "college rental" neighborhood.

In support of the assessment the board of review provided information on four comparable sales improved with one-story dwellings ranging in size from 1,033 to 1,215 square feet of living area. The dwellings were constructed from 1955 to 1962. Each comparable has a basement with two having finished area, central air conditioning and an attached or detached garage ranging in size from 308 to 576 square feet of building area. One comparable has a fireplace. The board of review indicated each comparable was located within the same block as the subject property. The comparables sold 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

submission also included an Assessor Sales Comparables Report using the four comparables sales proved by the board of review and an additional comparable with adjustments for differences from the subject property to arrive at adjusted prices ranging from \$101,234 to \$149,907.

The board of review also provided an income approach to value using a monthly rental of \$1,500 or a potential gross income of \$18,000. A 5% deduction was made for vacancy and collection loss to arrive at an effective gross income of \$17,100. The board of review deducted 40% for expenses to arrive at a net income of \$10,260. The board of review then applied a capitalization rate of 8.55% to arrive at an estimated fair cash value of \$120,000, which would result in an assessment of \$39,996, when applying the statutory level of assessments

To demonstrate the subject property was being equitably assessed the board of review provided information on five comparables improved with one-story dwellings that range in size from 1,128 to 1,190 square feet of living area. The dwellings were constructed from 1933 to 1962. Four comparables have basements with two being partially finished, three comparables have central air conditioning, three comparables each have one fireplace and each comparable has a garage ranging in size from 308 to 896 square feet of building area. The board of review indicated the comparables were located along the same block as the subject property and provided a map depicting the location of the comparables and the subject property. Each comparable has a land assessment of \$8,403. The comparables have improvement assessments ranging from \$24,388 to \$31,333 or from \$21.17 to \$27.78 per square foot of living area.

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 ¼ 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 asserted the subject's assessment reflects a market value that falls within the unadjusted price range established by the appraisal comparable sales on a square foot basis. The board of review also questioned why the appraiser did not develop the income approach to value.

The board of review also contends the appellant's equity comparables were all inferior to the subject property. It stated that comparable #1 is older than the subject dwelling, has no basement, only one bathroom, no central air conditioning, no fireplace and a smaller garage. Equity comparable #2 was noted to be half the square footage as the subject dwelling, no basement finish, one bathroom, no fireplace and a smaller garage. It further noted that equity comparable #4 was smaller than the subject dwelling, has no finished basement, no central air conditioning and no garage. The board of review submitted copies of the property record cards for each of the appellants' equity comparables.

In rebuttal the appellants asserted the subject dwelling has three bedrooms, not four. They also stated the fireplace chase has been removed so the fireplace is no longer working. The

appellants also contend due to zoning they can only rent the property to two unrelated people per location and the rental is \$850 to \$900 per month for 9 months to match the fall and spring school semesters. The appellants also asserted the board of review selected comparables that were of greater value than the subject property with either brick or new siding with quality landscaping that have never been rental properties. As a final point the appellants attempted to prepare a revised income approach to value.

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 as well as the additional sale contained in the assessor's grid. The comparables provided by the board of review and assessor 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 \$108,860 or \$94.25 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 \$94.25 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 based on overvaluation.

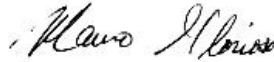
The appellants also contend assessment inequity as an alternative basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds the appellants have not met this burden and a reduction in the assessment is not warranted on this basis.

With respect to the improvement assessment, the Board finds the best comparables in the record are the appellants' comparable #3 and the comparables provided by the board of review as these

properties were most similar to the subject property in size, age and features. These comparables have improvement assessments that ranged from \$18.55 to \$27.78 per square foot of living area. The subject's improvement assessment of \$23.89 per square foot of living area falls within 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 assessment was inequitable and a reduction in the subject's improvement assessment is not justified.

With respect to the land assessment, the Board finds the comparables submitted by the parties had land assessments ranging from \$7,709 to \$8,403. Six of the comparables have a land assessment of \$8,403. The subject property has a land assessment of \$8,403, which is equivalent to six of the comparables. Based on this record the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's land assessment was inequitable and a reduction in the subject's land 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Acting 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:

October 20, 2017



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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