



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

APPELLANT: Russell Kaney & Nancy Kiefer
DOCKET NO.: 17-00078.001-R-1
PARCEL NO.: 14-09-451-005

The parties of record before the Property Tax Appeal Board are Russell Kaney & Nancy Kiefer, the appellants, and the Winnebago County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Winnebago** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$19,284
IMPR.: \$85,485
TOTAL: \$104,769

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Winnebago County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2017 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 single-family dwelling of vinyl exterior construction with approximately 2,274 square feet of living area.¹ The dwelling was constructed in 2012 making the dwelling 5 years old. Features of the home include a full basement with egress through the garage only, central air conditioning, two fireplaces and an attached two-car garage. Additional features of the subject property include a 2,000 square foot barn with a loft, concrete floor and electric. The property has a 13.85-acre site and is located in Winnebago, Winnebago Township, Winnebago County.

¹ The appellants' appraiser included a schematic drawing supporting the dwelling size conclusion of 2,274 square feet. The assessing officials reported a dwelling size of 2,378 square feet but failed to provide a copy of the subject's property record card to support the assertion. (See 86 Ill.Admin.Code §1910.40(a)). The Board finds the best and only evidence of subject's dwelling size was presented by the appellants.

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 \$315,000 as of March 10, 2017. The property rights appraised were fee simple and the appraisal was performed in connection with a refinance transaction.

The appraiser utilized four comparable properties consisting of three sales and one listing to estimate the market value of the subject. The comparable properties were located from 3.07 to 15.02-miles from the subject. The parcels range in size from 6 to 19.6-acres of land area and have been improved with a tri-level and three, one-story dwellings that were 10 to 24 years old. The homes range in size from 1,809 to 2,888 square feet of living area and feature full or partial basements, two of which have finished areas. Each comparable has central air conditioning and a two-car or a three-car garage. Three of the comparables each have a fireplace. While the subject is noted as having a barn, comparable sales #1, #3 and #4 are each noted as having an additional building or buildings. The comparables sold or were listed for prices ranging from \$280,000 to \$339,900 or from \$101.74 to \$187.89 per square foot of living area, including land.

The appraiser made adjustments for differences in land area, view, age, room count, size, basement finish and/or other amenities. Among the adjustments, for comparable #2 which had no additional structures besides a porch, the appraiser made an upward adjustment of \$10,500 for features of the subject of both a patio and a barn. The appraiser also made a downward list-sales ratio adjustment of more than \$10,000 to the listing price of comparable #4. After making these adjustments for differences, the appraiser set forth adjusted sale prices of the comparables ranging from \$304,700 to \$334,903.

In reconciliation, the appraiser reported giving greatest weight to comparables #1, #2 and #3 as these properties bracketed the majority of the subject's features. The appraiser concluded an estimated market value of the subject property of \$315,000 as of March 10, 2017.

Based on this evidence, the appellants requested a reduction in the subject's assessment 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 \$111,501. The subject's assessment reflects a market value of \$335,241 or \$147.42 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Winnebago County of 33.26% as determined by the Illinois Department of Revenue.

In response to the appeal, two memoranda were submitted, one prepared by the Winnebago County Board of Review Chairman and one prepared by the township assessor. The Chairman noted that the appraisal was performed for a refinance transaction and contended that the comparable sales in the appraisal were not within the townships and much older homes than the subject. The Chairman also asserted that the appraisal incorrectly reported the age of the subject dwelling and did not given any value to the outbuilding.

The township assessor's memorandum indicated of the comparable sales used in the appraisal, the assessor only agreed with use of sale #2 as it is in the subject's township, but noted this home is only 10 years old which was incorrectly reported by the appraiser. The assessor stated he

disagreed with the use of the other three comparable properties as they were not located within the township and were much older than subject dwelling. The assessor asserted the appraiser failed to assign a value to the cement floor of the barn although its existence was acknowledged. The township assessor opined that the value of the barn is covered by the difference in assessment request by the appellants.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on two comparable sales, where comparable #1 was the same property as appraisal sale #2. The two comparables were located within 4 miles of the subject. The comparable parcels are 21,920 square feet of land area and 6-acres of land area, respectively. The parcels have each been improved with one-story dwellings that were built in 2006 and 2011. The homes contain 2,028 and 2,752 square feet of living area with basements, central air conditioning and garages. One comparable also has a fireplace. Neither comparable has a barn like the subject property. The properties sold in August and September 2016 for prices of \$222,500 and \$280,000 or for \$101.75 and \$109.71 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants addressed the remarks made in the respective memoranda, including questioning the need for a particular "type" of appraisal; the selection of appropriate comparable sales was made by the appraiser and the area real estate market has been slow; and addressed the lack of a value to the barn stating "farmstead out buildings do not add value to this property."

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.

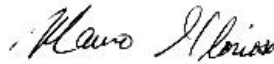
The Property Tax Appeal Board finds the best evidence of market value to be the appraisal submitted by the appellants. Initially, the Board notes that neither of the comparables presented by the board of review supports the estimated market value of the subject property of more than \$335,000. If these two recent sales presented by the board of review are deemed comparable to the subject by the assessing officials, then these sales support a reduction in the subject's assessment.

The Property Tax Appeal Board has given little weight to the two unadjusted comparable sales presented by the board of review. The Property Tax Appeal Board finds that board of review comparable sale #1 was included in the appellants' appraisal report and adjusted for differences with the appraiser's opinion of its adjusted sale price being approximately \$305,000 as compared to the unadjusted August 2016 sale price without a barn on the parcel of \$280,000. The Board

has also given little weight to board of review comparable sale #2 which consists of a small residential lot that is substantially different from the subject's 13.85-acre parcel with a barn.

The subject's assessment reflects a market value of \$335,241 or \$147.42 per square foot of living area, including land, which is above the appraised value of \$315,000 as of March 10, 2017. On this record, the Board finds the subject property had a market value of \$315,000 as of the assessment date at issue. Since market value has been established the 2017 three year average median level of assessments for Winnebago County of 33.26% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: December 18, 2018



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

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