FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Kenneth Young
DOCKET NO.: 17-04540.001-R-1
PARCEL NO.: 19-07-300-035

The parties of record before the Property Tax Appeal Board are Kenneth Young, the appellant, and the Jackson County Board of Review, appearing at hearing by Sharee Langenstein, Assistant State's Attorney, Civil Division.

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 **Jackson** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$ 7,708
IMPR.:	$55,292
TOTAL:	$63,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Jackson 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 owner-occupied property consists of a 1.5-story single-family dwelling with vinyl siding exterior construction containing approximately 2,982 square feet of living area.[1] The dwelling was constructed in 1997 and is approximately 20 years old. Features of the home include a crawl-space foundation, 2 ½ bathrooms, partial central air conditioning, a fireplace and an attached two-car garage. The parcel is also improved with an inground swimming pool and a 1,200 square foot pole barn. The property has a 5-acre site and is located in Makanda, Makanda Township, Jackson County.

[1] For the 2017 tax year appeal, the appellant reported the dwelling size as 2,650 square feet but agreed at the hearing to the dwelling size reported by the appraiser who was hired by the assessing officials. The appraiser disregarded the dwelling size reported by the assessing officials since she measured the property. An illegible copy of the subject's property record card is contained within the appraisal report. The board of review failed to provide a copy of the property record card as required by the Board's procedural rules. (86 Ill.Admin.Code §1910.40(a)).

The parties both appeared before the Property Tax Appeal Board during which a consolidated hearing was conducted for tax years 2017, 2018 and 2019 in accordance with the Board's procedural rules (86 Ill.Admin.Code §1910.78). Separate decisions will be issued for each tax year on appeal.

The appellant Kenneth Young contends overvaluation and lack of assessment equity as the bases of the appeal. By the end of the in-person hearing, the appellant agreed that his primary issue was a market value argument and thus, the inequity claim will not be examined herein. He further argued that the area economy has been negatively impacted, particularly in the housing market, by a downturn in area employment by the area's larger employer, Southern Illinois University-Carbondale, since 2001. In support of this claim, the appellant noted that the three sales in his 2017 grid analysis each had higher listing prices before eventually selling. The appellant further contends that the subject dwelling, a builder quality home, is in need of numerous repairs totaling approximately $20,000 in cost to cure. The appellant also questions the change in quality grade applied to the subject dwelling in the applicable property record card which, according to assessment manuals and Department of Revenue publications, should typically remain unchanged during the lifetime of the structure as compared to condition which can change over time.

In support of these arguments, the appellant submitted information in the Section V grid analysis on three comparable properties with sales data and with 2016 assessment data along with supporting documentation including marketing data with photographs. The comparable parcels contain either 3.3 or 5-acres of land area and are improved with either 1-story, 1.5-story or 2-story dwellings of vinyl/frame siding or brick and vinyl/frame siding exterior construction. The dwellings were either 14 or 20 years old and range in size from 2,100 to 5,431 square feet of living area. Each comparable has either a partial or a full basement, two of which are walkout style and two of which have finished area. Features include central air conditioning, one of which is Geothermal, a fireplace and either a two-car or a three-car garage. Comparable #1 has a second detached three-car garage, comparable #2 has a 300 square foot storage shed and comparable #3 has a heated inground swimming pool with a pool house. The comparables sold from June 2015 to September 2017 for prices ranging from $209,900 to $340,000 or from $53.30 to $107.14 per square foot of living area, including land.

The appellant further reported these comparables have 2017 estimated fair cash values (FCV) ranging from $231,867 to $354,438 while the subject's fair cash value, prior to reduction by the Jackson County Board of Review, was $267,582.[2]

Based on this evidence and argument, the appellant requested a total reduced assessment of $61,833 which would reflect a market value of $185,518 or $62.21 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.

On cross-examination, when appellant Young was asked to describe what general maintenance has been performed on the subject dwelling since 2017, he stated none. The appellant contended

[2] Original 2017 assessment was $89,194 or a fair cash value multiplied by three of $267,582. After board of review action, the 2017 reduced total assessment of $74,932 reflects a fair cash value of $224,796.

that the biggest issue resulting in deterioration of a home is water damage and he admitted that he has taken steps to prevent water from intruding into the crawl space of the dwelling due to the poor grading of the landscaping and to pump out the water when necessary. Given the layout of the property and the necessity to pull out the pool pumps and other features, the appellant testified that the expense for re-grading the landscaping is not justifiable in order to prevent the water from intruding into the crawl space when he can control it on his own. However, he stated that there is no water damage occurring from water under the house. Instead, Young testified that the water deterioration issues have arisen from the poor installation of the French doors in the home and the poor quality of the large window in the back of the home. The appellant stated he has done what he can, including using silicone on the windows and to redirect the water based on the existing landscaping including installation of dry wells. Testimony was replacement of the French doors would be $3,000 and is not worth it for purposes of resale value.

As to appellant's comparable sale #2, Young acknowledged that the reported sale price of $209,900 was in error and was actually $275,000 according to records of the assessing officials. The appellant was aware that this property sold again in 2018 for $300,000. The appellant testified that this dwelling was not used again as a comparable in subsequent year appeals due to its newer age, larger dwelling size and superior features including a walkout basement, amenities and updates when compared to the subject dwelling. Young was of the opinion that comparable sale #2 displayed the value of a dwelling within the subject's subdivision at that time; when it was provided, the appellant understood "comparable" to mean houses directly around the subject which he later learned was not correct once he saw the board of review's evidence with homes in Carbondale.

When asked about his comparable sale #1, which sold in September 2017 for $340,000, the appellant noted that this home is nearly twice the size of the subject with a finished walkout basement and two three-car garages, among other amenities, with the only similarity to the subject being location in the subject's subdivision. Young's point in including this property was to note that with an original listing price of $420,000, it took two years to sell indicating that area properties are difficult to sell.

On redirect, the appellant testified that the implication that he has allowed his home to fall into disrepair is ridiculous. He has dug the dry well, expanded the gutters and taken other steps to divert water from the crawl space of the dwelling. While water can damage a home, the roof of the subject dwelling is fine. The appellant does not believe the expenditure of $3,000 on French doors or a new big window would be a wise investment. Likewise, the central air conditioning has never worked well on the second floor of the dwelling; after efforts at repair, it was determined that the installation was poor, and the better solution was use of window air conditioning units. The appellant is also of the opinion that the subject dwelling has a better chance of selling as a "fixer upper" than as a home that has been remodeled because the subject dwelling is a builder quality grade home that was built during the height of the market in the area.

Furthermore, on redirect, the appellant emphasized the work that has been expended in challenging the estimated fair cash value that was placed on the subject property. He found in research nearby dwellings that were much newer, much nicer and have more amenities than the subject and which sold for less than the subject's estimated fair cash value as determined by the

assessing officials. Likewise, once in receipt of the board of review's appraisal evidence, the appellant was still convinced that the appraised value was excessive given the sales comparables the appellant found.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of $74,932. The subject's assessment reflects a market value of $221,234 or $74.19 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Jackson County of 33.87% as determined by the Illinois Department of Revenue.

As part of the submission, the board of review reported that 2017 is the first year of the general assessment cycle for the subject property. Additionally, the board of review proposed a reduction to the subject's assessment to $64,994. The appellant rejected this proposed assessment reduction as insufficient and the matter proceeded to hearing.

In support of its contention of the correct assessment, the board of review submitted an appraisal of the subject property prepared by Roberta Tabor-Kearney, a Certified General Real Estate Appraiser, from Benton, Illinois. At the hearing, the board of review called appraiser Tabor-Kearney as its witness. She has 28 years of appraisal experience with a target focus in Franklin, Williamson and Jackson Counties. Noting current appraisal assignments she has in Jackson County, she opined that she is competent to perform appraisals within Jackson County. She further testified that she has performed hundreds of residential appraisals within the county during her career and stated that about half of her appraisal work is residential and half is commercial.

The client for the report was the Jackson County Board of Review and the purpose of the appraisal was "to determine market value for client to assist in asset valuation." In testimony, the witness described the process of preparing the appraisal which began with a site visit, taking measurements, taking photographs, and meeting with the homeowner. After gathering the information on site, she does research in the assessor's office to get the property record card, deed and things like that. Then once she begins to work on the project having gathered all her information on the subject, she furthers her research to comparable sales. The report utilized both the cost and sales comparison approaches to value in estimating the fee simple market value of the subject property as of January 1, 2017 of $195,000.

The appraiser inspected the subject dwelling for purposes of the appraisal on October 10, 2018. During the site visit, the appellant provided Tabor-Kearney with a list of repairs that he felt were needed on the home and showed those items to her during the visit. She took photographs and made notes at that time. She testified that there was nothing which he pointed out or noted which she disregarded. Furthermore, the appraiser stated that she considered the things which the appellant pointed out in making her appraisal of the property.

As set forth in the appraisal report, the subject site has an oil and chip roadway with the subject parcel being rural acreage; nothing in the appraisal mentions the property being waterfront on either a lake or a pond. The dwelling was reported to be constructed of average quality materials and to be "in somewhat average condition showing signs of some deferred maintenance." Specifically, Tabor-Kearney stated there were several stress cracks in the drywall around the

door and window areas; several windows that need the frames repaired due to damaged wood from what appears to be moisture; French doors to a back patio exhibited moisture damage and need to be replaced; and the central heat and air conditioning that serves the second floor does not work and the homeowner uses window air conditioning units and space heaters on the second floor. Several photographs in the appraisal report support these assertions. One photograph further depicts that plumbing to a bathtub was not working in one of the bathrooms. Moreover, the appraiser noted that vinyl flooring and some of the carpeting were showing signs of wear.

For the cost approach, initially Tabor-Kearney developed a land value for the subject by examining three vacant properties which sold in Makanda. The comparable parcels range in size from 1.13 to 3.75-acres of land and sold from March to July 2016 for prices ranging from $11,000 to $51,000 or from $9,734.51 to $16,286.64 per acre of land area. In testimony, the appraiser stated she determined these were the best available land comparable sales to indicate a value of the subject's site that occurred within a year of the valuation date. In the selection, she utilized a search parameter of sites greater than one-acre in size. The appraiser testified that comparable land sales #1 and #2 were selected for their location in Makanda and their size of more than 3-acres; she noted that larger sites are more rare in the market in comparison to half-acre sites which are more common. As part of the report, the appraiser wrote concerning the land sales, "It is noted that the quantitative adjustments are presented for informational purposes only, and are intended to allow the reader to understand the thought process of the appraiser, when arriving at a concluded value estimate." In the report, each land sale was adjusted downward by 10%, 15% and 20%, respectively, for differences in size when compared to the subject, resulting in adjusted land sale prices ranging from $7,87.51 to $13,843.64 per acre, which then resulted in a mean of $11,291 per acre and a median of $12,240 per acre. For the subject, the appraiser applied a land market value of $7,800 per acre resulting in an estimated site value under the cost approach of $39,000.

Next, the appraiser utilized *Marshall & Swift Cost Data Services*, with average quality and an effective date of August 2017 along with local multipliers and cost multipliers, in order to estimate the replacement cost new of the subject's improvements. Through this process, the appraiser determined the replacement cost new to be $322,422, including the dwelling, porch, patio, pool, pole barn and garage. Then the appraiser estimated physical depreciation to be $154,763 resulting in a depreciated improvement value of $167,659. Adding the various components, Tabor-Kearney estimated the subject property had a market value of $206,659 under the cost approach to value.

Using the sales comparison approach, the appraiser considered six improved comparable sales, each of which were located in Carbondale which are from 4.08 to 4.54 miles from the subject property. In testimony, the appraiser stated she utilized search parameters of Jackson County with sales that occurred within one year prior to the effective date of value and six months following the effective date.[3] She noted the main consideration was comparable living area square footage. For this process, the appraiser utilized the local MLS (Multiple Listing Service)

[3] The witness noted that this differs from standard appraisal practice, however, in a prior hearing before the Property Tax Appeal Board, Administrative Law Judge Michael Bullock advised her that the agency would accept appraisals that included sales the occurred within six months after the effective date. In that appeal, the opposing appraiser had included sales that occurred within six months after the opinion of value. This was new information to Tabor-Kearney at that time and she was hopeful that was still true at the agency.

for her search including the age, quality and condition which narrows the search for comparable sales. She makes it a practice to find the most comparable properties which is what she did for this project. Typically, Tabor-Kearney will find three comparable sales; experience, however, has taught her that any time she feels more evidence or bases for the value opinion would be necessary she will include more sales, which is what she did in this report. As part of the written report, the appraiser indicated that an initial search for comparable sales was made within the Makanda market, but "no reasonable comparisons were located and the search area was expanded through Jackson County."

As set forth in the appraisal, the six sales were chosen either for their somewhat similar design, location similarities or both and were deemed to be the best available. In testimony, Tabor-Kearney noted each comparable was located in Carbondale which is a better location with smaller lot sizes. She further stated that after establishing the value of the subject's 5 acres and the value of the sites of these comparable sales, she determined that "the value balanced out when I took into consideration location, size and value." The comparable properties have sites that range in size from .34 to .44 of an acre of land area. The subject was said to have a rural view whereas each of the comparables has a residential view. When asked by the Administrative Law Judge (ALJ) how the subject's cost approach land value conclusion of $7,800 per acre compared with sites that were no more than .44 of an acre, she testified that their value was comparable in that they have a better location because they are within subdivisions within Carbondale; in the end, the appraiser contended that location and site size offset one another. In the appraisal it was stated:

> The site adjustments were calculated based on the estimated site value of each sale in comparison to the estimated value of the subject's site and not just a flat dollar per site adjustment. Since the comparable sales were considered to have superior locations and smaller site size, it was determined that no adjustment was warranted on either line.

Her support for this proposition is contained within her research file which was not available at the hearing. However, she testified that she researched the land values of the comparables and found they were within $1,000 or $2,000 of the subject's estimated land value of $39,000.

On direct examination, the appraiser explained why she found the six comparables to be comparable to the subject property. After choosing these six properties and determining there was no adjustment warranted for site size and location, the properties consisted of 1.5-story or 2-story homes which were close in age with the exception of four of the sales, namely, #3, #4, #5 and #6, which were newer homes and would thus be in a better condition typically; she noted that interior photographs were provided within the appraisal of the comparables. After examining the photographs and the square footage, the appraiser noted that she did not use any sales that had basements and she adjusted for age, "which was inclusive of condition" and made minimal adjustments for the differences in square footage of the comparables. The ALJ requested clarification of how age was inclusive of condition given the age adjustments made to four of the comparables in the appraisal and where all properties, including the subject were deemed to be average in condition with no adjustments made. The witness responded, based upon her analysis of the data, she believed that all of the issues fell within the category of age and acknowledged that average condition can have a wide range of "average"; for a property of

this age, she said it is really an interpretation of what we are looking at and what we are considering and the deferred maintenance that the appraiser is either aware of or not aware of. In answer to the question from the board of review's counsel, with a newer age, is a property automatically worth more, Tabor-Kearney testified, "no."

The comparable properties are each improved with two-story dwellings of average construction quality that were 13 to 25 years old. The dwellings range in size from 2,716 to 3,181 square feet of living area and each comparable has central air conditioning and a two-car or a three-car garage. The comparables sold from January 2016 to June 2017 for prices ranging from $144,000 to $227,500 or from $51.43 to $83.76 per square foot of living area, land included.

Next, the appraiser applied adjustments to the comparables for differences when compared to the subject. Adjustments were made for age to four of the appraisal sales deducting $15,000 each for their newer ages; for bathroom count for appraisal sale #3; for dwelling size differences made at $20 per square foot of living area, rounded; for garage size differences to the four, three-car garage properties deducting $5,000 for each; for lack of a pole barn by adding $10,000 to each of the six comparables and for lack of an inground swimming pool by adding $7,500 to each of the six comparables. Tabor-Kearney wrote, that "the site adjustments were calculated based on the estimated site value of each sale in comparison to the estimated value of the subject's site and not just a flat dollar per site adjustment. Since the comparable sales were considered to have superior locations and smaller site size, it was determined that no adjustment was warranted on either line." Through this process, Tabor-Kearney opined adjusted sales prices for the comparables ranging from $165,100 to $230,300 or from $58.96 to $84.79 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of $195,000 or $65.39 per square foot of living area, including land, as of January 1, 2017, under the sales comparison approach to value.

Within the comments in the sales comparison approach, Tabor-Kearney also reported on a comparable sale that occurred in May 2016 in the subject's immediate neighborhood with a sale price of $225,000. At hearing, this property was identified as appellant's comparable sale #3 and the appraiser stated she drove by the property and believed it to be a listing at the time. As set forth in the appraisal, Tabor-Kearney chose not to include this property in the analysis as it was nearly 1,000 square feet smaller than the subject dwelling; was completely renovated with a Frank Lloyd Wright design; had an inground heated pool with an automatic cover; had a finished pool house with a bath; had new Geothermal; and had both a three-car garage and a screened patio. Tabor-Kearney determined this sale was not as comparable to the subject as the comparables which were included in the appraisal.

The appraiser was asked whether properties in the subject's immediate area have failed to retain their value over time as claimed by the appellant. Tabor-Kearney testified that in her conversation with the appellant in October 2018, the appellant asserted that the SIU campus' enrollment was impacting the economy and effecting home sales; he questioned who would purchase these homes given the university's impact. As a result, she performed an analysis within the MLS of home sales within Makanda and Carbondale for one-year time frames that sold for $100,000 or more. The data did not include any information on site size, dwelling size, age or any other characteristics of individual properties. What she found was pretty consistent

over eight or nine years, from 2012 to 2020.[4] She did not see a large fluctuation in the number of sales in relation to the SIU impact on the economy. The question she addressed was whether the homes had a market, not whether they held their value. Also, as part of the appraisal report, the market area was described as being rural, 25% to 75% built up, stable in growth rate, stable in property values, in balance in demand/supply with marketing times of three to six months. Tabor-Kearney wrote that market conditions for Jefferson [*sic*] County were average for typical residential properties with the market seeing a few short sales and REO properties but those did not make up the majority of the sales noted in the local area. She stated, overall, market conditions are somewhat stable with a slight increase in marketing times in some home categories, but not all home categories.

The appraiser was asked about the pool value at the subject property and the general value of pools in the market area. The witness testified that swimming pools do not maintain the value that it costs to install them. Moreover, pools are a personal preference and may discourage some buyers from a property with a pool feature. For purposes of an appraisal, the appraiser must develop a reasonable lump sum adjustment for lack of an inground swimming pool amenity when the subject has an inground swimming pool. In this case, upward adjustments of $7,500 were applied to each comparable sale for lack of a pool feature. Also, at the time of inspection, there was a cover on the subject's pool. While the appellant stated that he offered to remove the cover during the inspection and the appraiser declined that offer, Tabor-Kearney testified that she has no memory of that occurring. She further testified that when she meets with homeowners with inground pools, she emphasizes that the value, considered for appraisal purposes, of a pool will not be reflective of the cost of installation.

The witness testified regarding the upward $10,000 adjustment made to each of the comparable sales for the lack of a pole barn amenity. The subject pole barn, an interior photograph in the report depicts insulation falling from the ceiling, which the appraiser characterized as a deferred maintenance item. The repair of this area was one of the items on the list of needed repairs provided by the appellant and the appellant also strongly argued the cost to build the pole barn several years earlier during their meeting. The appellant has disputed the appraiser's upward adjustment in the report for the pole barn which is greater than the original cost of construction. Tabor-Kearney testified that in the appraisal process the cost to construct must be considered along with age, depreciation and deferred maintenance.

The ALJ asked the witness for the breakdown from her cost approach of $46,577 for porch, patio, pool, and pole barn. The witness said the breakdown is in her work file which was not at the hearing today. The witness agreed that the pool and pole barn constitute the greater portions of these four items in the cost approach. Her best estimate based on past experience is that the pool would have accounted for $30,000 to $32,000 and the pole barn would have accounted for $14,000 to $16,000.

[4] From her notes of the work she did, she testified that there were 110 sales in 2012; 110 sales in 2013; 126 sales in 2014; 118 sales in 2015; 114 sales in 2016; 139 sales in 2017; 128 sales in 2018; 129 sales in 2019; and 150 sales in 2020, the latter of which she opined was influenced by the COVID pandemic as shown in the last two years which she characterized as "over-activity."

In reconciliation, the appraiser gave most weight to the sales comparison approach which she indicated best reflects actual activity in the local market. In testimony, Tabor-Kearney stated that the cost approach was not given as much weight since "depreciation is kind of open to interpretation" given the age, the condition and the needed repairs of the subject property, she determined this approach was not as reliable as the sales comparison approach. Based on the foregoing appraisal evidence, the board of review proposed that the subject's total assessment for 2017 be reduced to $64,994, which would reflect a market value of $191,893 or $64.35 per square foot of living area, including land, when applying the 2017 three year average median level of assessment for Jackson County of 33.87% as determined by the Illinois Department of Revenue.

On cross-examination by the appellant, Tabor-Kearney was asked about the vacant land site comparable sales, noting that vacant land sale #2, while residential, abuts a golf course. The appraiser testified that the difference due to the superior location on a golf course was adjusted for but was also "zeroed out" because of the smaller site size in comparison to the subject parcel. When asked by the ALJ to explain the location adjustment given that the subject and the comparable were both stated to have an average location. The witness then apologized and stated she was confusing her improved sales in testimony with these vacant land sales. The appraiser testified vacant land sale comparable #2 was not adjusted for location; the parcel was on a lake and a golf course and similar in size to the subject parcel; the appraiser did not feel the comparable warranted an adjustment.

When asked by the ALJ to explain the site area adjustment that was applied to the three vacant land sale comparables, Tabor-Kearney explained the principle of the economies of scale that larger tracts of land cost less per acre as compared to a smaller parcel of land that costs more on a per-acre-basis. Then when asked why the downward adjustment to the smallest vacant land comparable sale #3 fell between the site area adjustments to sales #1 and #2 which each exceeded 3-acres of land area, the witness hesitated and responded that she would have to examine what her percentage adjustments were and said, after a pause, "these took into consideration location. These were probably better locations." She then pointed out the percentage adjustments made to the three vacant land sale comparables of 10%, 15% and 20%, respectively. The witness agreed that the sole adjustment made to these properties was for site area, without a written adjustment for location, even though location was a significant issue when comparing these properties to the subject.

When the appellant noted that the subject parcel is not located on a golf course and instead has a very rural area which is surrounded by brush, the appraiser responded that the subject parcel is located on a lake. When questioned by the ALJ where that is stated in the appraisal report, the witness acknowledged that she did not specifically state that but claims it was taken into consideration with the legal description of the subject. In the site description of the appraisal report, the subject parcel was described as rural acreage having a "rural" view; nowhere within the report did the appraiser state the subject parcel was located on a lake. An aerial photograph of the subject parcel included within the appraisal depicts a total of six homes around this "lake." The appraiser concluded this topic by reporting that it was the appellant Young who had described the body of water abutting his property as a lake. The appellant next questioned the appraiser about the distance from the back of his home to the lake which he contends would impact the value of "lakefront" property.

The appraiser was asked whether vacant land sale #1 abuts Highway 51 and would be available for business or commercial use with a commercial property adjacent to it. Tabor-Kearney testified that at the time the appraisal was prepared for 2017, this comparable parcel as of October 2018 was zoned residential in a subdivision with several building sites, a pond and was gently hilled to build and look across the golf course. Vacant land comparable sale #2 for commercial use would be dependent upon zoning according to the witness. The appellant contends that there was a commercial structure next to this parcel at the time he was provided with the appraisal report.[5]

The appraiser was asked about the location of vacant land sale #3 being in a congested area of Makanda with small parcels and near an auto repair shop. She noted that the property is residential.

The appellant thanked the appraiser for detailing the needed repairs to the subject dwelling in the appraisal report. He then asked where within the appraisal report did she document the necessary adjustments for those conditions of the subject when compared to the improved comparable sales in the report. Tabor-Kearney testified the adjustment was reflected in the age adjustment that she made. As part of the comparable sales comparison approach grid analysis of the appraisal report, Tabor-Kearney denoted the subject dwelling to be in average condition and similarly identified each of the six comparable sale properties as being in average condition as well with no adjustments applied. The subject dwelling in this same portion of the appraisal was reported as being 20 years old with no age adjustments to comparable sales #1 and #2, but with downward adjustments of $15,000 each to comparable sales #3 through #6 which are reported to be either 13 or 14 years old, respectively. In the remarks portion of the second set of comparable sales, the appraiser wrote, "One noted difference that is not apparent on the comparison grid is that the subject property has older and worn vinyl flooring in the dining, kitchen, and bathrooms while **all six of the comparable sales** have ceramic tile in those areas." [Emphasis added.] The ALJ asked the appraiser to detail where that difference was adjusted in the report. The appraiser testified that comparable sales #1 and #2, based on interior photographs, were more similar to the subject dwelling than comparable sales #3 through #6 and she did not have deferred maintenance information on the comparable properties.

Upon questioning, the witness was unable to estimate the costs involved in installing a second-floor heating/cooling system for the subject dwelling without performing research. The witness agreed that residential sellers are required in Illinois to complete certain disclosures regarding known defects that are completed during the purchasing process.

Tabor-Kearney testified that she understood there was a reported housing market controversy in Carbondale around November 2019 at which time the market was reportedly stagnant. However, she engages in the research of sales in the market area to determine whether that assertion was verified or not.

[5] Property Tax Appeal Board records depict that the board of review's evidence including the instant appraisal report filed in this 2017 tax year appeal was forwarded to the appellant by letter dated January 24, 2019.

The appellant generally tried to get the appraiser to opine on whether repairs needed to the subject dwelling were "expensive." The witness noted it depends on what you want to perform and what the person deems to be "expensive." At the time of the inspection, the appellant had provided the appraiser with a document listing 16 needed repairs to the subject dwelling.

The appellant sought an opinion of whether the marketability of the subject property was impacted by the half-acre dedicated to a dusty gravel driveway in the front of the property. The witness, without performing appropriate research, did not have an opinion on that issue.

The appellant at the time of inspection shared with the appraiser a copy of the 2002 bill for construction of the subject's pole barn depicting a cost of $9,834. Based on the interior photographs of the subject 16-year-old pole barn in the appraisal report, the appellant questioned the witness whether there was evidence of water damage. Tabor-Kearney stated that based on the photograph, it appears that it could be water damage given one large rafter board shown with staining although she does not know how or when that occurred; having taken the photograph herself, while she acknowledges that the board appears to be stained, she noted that the insulation hanging from the ceiling did not appear to be wet or stained at the time and she saw no evidence of water leaking at the time of inspection, although it was not raining on that date.

The witness agreed based on the photographs in the appraisal report that the French doors of the subject dwelling were water damaged. In light of the level of damage, it was the witness' opinion that the French doors needed to be replaced.

The appraisal report included depictions of drywall cracks which Tabor-Kearney photographed during her inspection. The witness was asked if those were load bearing walls of the subject dwelling where the cracks are depicted. Tabor-Kearney testified that she did not recall. When questioned whether that would be a significant issue if the wall were a load-bearing wall, the witness testified that she sees hairline drywall cracks in most homes she views which are both new and old, including her own home that is about 20 years old. She conceded that such cracks can be a bad sign, but not always.

As to the photograph depicting the lack of plumbing to a bathtub in one of the subject bathrooms, Tabor-Kearney opined upon questioning that this condition would not have a "big, significant effect" on the value of the subject property. The witness did not know the extent of the plumbing problem depicted in the photograph and thus could not opine on the cost to correct it.

As to the adjustment in the sales comparison approach depicting a value adjustment of $10,000 for the lack of a pole barn, Tabor-Kearney testified the adjustment was reflective of the market reaction to properties with pole barns. The appraiser further noted that lumber for replacement cost would be more costly in 2017 than it was in 2002. In further articulating the basis for the pole barn adjustment, the witness noted that the six improved comparable sales in the appraisal were properties located within subdivisions which most likely prohibit the installation of pole barns by covenant. When questioned whether there were sales of homes in the area with pole barns, the witness testified that while there were such sales, "they were not as comparable [to the subject] as the comparables that I used." The appraiser reiterated her search parameter of comparable sales being in the Carbondale/Makanda area, homes, age, dwelling size, condition which is then narrowed down to the best comparables with the least amount [*sic*] of adjustments.

While in some instances, the witness has been inside of the comparable home(s), but most of the time she relies upon photographs of the interiors and the exteriors.

When questioned about the cost of installing the subject's 20-year-old swimming pool, the witness testified it may have been $30,000 to $32,000 which is an estimate based on her past experience of valuing properties with new swimming pools. The appraiser noted that pools can age-out depending on the maintenance and the care applied to them; she also agreed that a pool is an "expensive backyard toy."

The appellant asked the appraiser about the sale of a dwelling in Makanda located on Cashen Road that occurred in August 2019, well after the valuation date set forth in the appraisal report with a value for the subject property as of January 1, 2017.

With reference to the appraisal photograph depicting the subject street, Tabor-Kearney testified that she characterized the subject property as being in a rural area. The witness would not acknowledge that this is a fairly narrow road as depicted. In answer to the ALJ's question, Tabor-Kearney initially acknowledged that the six comparable sales located in Carbondale were not situated on oil and chip roads; she modified her answer and said she would have to look that up although she did not believe they were on oil and chip roads.

On redirect examination, Tabor-Kearney was asked if she had viewed the subject's legal description which includes the moniker "Tract 1, Poplar Lake Development." As to the cross-examination questions that she was unable to answer from the appellant were such because they sought the witness to speculate; Tabor-Kearney affirmed that the appraisal she prepared was based upon her research and actual evidence that she was able to gather to arrive at the opinion of value.

In rebuttal to the comparable sales data in the board of review's appraisal evidence, the appellant testified that the six improved comparable sales within the report were within one-half mile of one another within the city of Carbondale. The appellant also testified that the six comparables used by the appraiser are situated on concrete/curb cut roads. He also noted that appraisal sale #6 features nine-foot ceilings making it superior to the subject dwelling.

In closing, the appellant concluded that fair cash value or fair market value should be reflective of what dwellings near his home have sold for in the respective time frame(s) given the condition of the subject dwelling with the needed repairs. Based on news articles he has seen, realtors asserted during the time frame relevant to this matter homes were not selling for so much. Finally, the appellant contended that the 2017 reassessment of the subject property which raised the valuation by 22% most likely occurred because the quality grade set forth on the property record card that was inappropriately raised from a "C" grade to a "B" grade, which should not change absent significant remodeling and renovation work.

In closing, counsel for the board of review contended that the appellant failed to substantiate his market value argument including that there is no data in the record as to the cost to cure the deferred maintenance issues related to the subject dwelling, the diminishment in value of the home due to its condition and the presentation was highly speculative referring to things being "expensive" without any quantification. In contrast, the appraisal evidence presented by the

board of review is supported by the appraisal data and the testimony of the appraisal witness presented in this matter who made adjustments and took into consideration the condition of the subject dwelling in arriving at the opinion of value.

As to the quality grade applied to the subject dwelling, counsel asserted that the grade can in fact change overtime based on use of materials, based on construction standards, methods and craftsmanship which are evolving over time.[6]

Conclusion of Law

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

The appellant provided three comparable sales and the board of review provided an appraisal of the subject property. Having thoroughly examined the board of review's appraisal report, the Property Tax Appeal Board gives little weight to the value conclusion determined by Tabor-Kearney utilizing the sales comparison approach as the appraiser utilized comparables that differ significantly from the subject property in location, lot size and none of which have the same rural attributes of the subject dwelling. Furthermore, the appraiser's testimony concerning the adjustments that were applied for these acknowledged differences in location, age and/or condition, including in particular the subject's deferred maintenance issues that were fully documented in the appraisal report, leads to the Board's conclusion that the appraiser's opinion of value is neither a credible nor a reliable indicator of the subject's estimated market value as of the assessment date of January 1, 2017. As a result, the Property Tax Appeal Board will examine the raw sales data contained in the record and presented by both parties.

The record for this 2017 tax year appeal contains nine sales for the Board's consideration as submitted by the respective parties. The Board has given reduced weight to appellant's comparable sale #1 due to its significantly larger dwelling size of 5,431 square feet when compared to the subject home containing approximately 2,982 square feet. The Board has given reduced weight to appraisal sales #3 through #6 due to their newer ages when compared to the subject dwelling.

On this limited record, the Property Tax Appeal Board finds the best evidence of market value to be appellant's comparable sales #2 and #3 along with board of review appraisal sales #1 and #2. These four most similar comparables to the subject dwelling in age and size sold from June 2015 to June 2017 for prices ranging from $144,000 to $275,000 or from $51.43 to $107.14 per square foot of living area, including land. The subject's assessment reflects a market value of $221,234 or $74.19 per square foot of living area, including land, which is found by the Board to be excessive given the deferred maintenance of the subject dwelling, including but not limited to the

[6] The ALJ noted that the board of review did not present any evidence that the subject dwelling has been rehabbed, renovated and/or remodeled in order to justify a revised quality grade to the dwelling.

lack of functional second floor air conditioning/heating and other issues set forth in this matter by both the homeowner and the board of review's appraiser whereas there is no indication that the comparable properties have similar deferred maintenance issues. Based on this evidence, the Property Tax Appeal Board finds a reduction in the subject's assessment is 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(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:

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: November 22, 2022

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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