



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

APPELLANT: Ronald Culves
DOCKET NO.: 17-06024.001-R-1
PARCEL NO.: 03-150-009-00

The parties of record before the Property Tax Appeal Board are Ronald Culves, the appellant, and the Cass 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 Cass County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$2,760
IMPR.: \$22,573
TOTAL: \$25,333

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cass 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.

Preliminary Issues

As an initial matter, the Property Tax Appeal Board will address the board of review's argument in response to this appeal that certain market value evidence, consisting of an appraisal, submitted in this appeal by the appellant should be disregarded since it was not filed before the Cass County Board of Review. The Property Tax Code governing these proceedings is very clear on this point, proceedings before the Property Tax Appeal Board are considered de novo (35 ILCS 200/16-180) or without reference to the actions taken before the board of review. Additionally, by administrative rule, it states that proceedings before the Property Tax Appeal Board are de novo "meaning the Board will only consider the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review" (86 Ill.Admin.Code §1910.50(a)). Therefore, the Board finds no merit to the board of review's argument to give no weight to the appraisal evidence on the grounds that it had not been submitted to the Cass County Board of Review. Instead, the Property Tax Appeal Board will analyze all of the appellant's evidence that was timely filed before the Board.

The next preliminary issue in this proceeding concerns a dispute regarding the dwelling size of the subject home. The appellant, in reliance upon the appraisal report, contends that the dwelling contains 2,109 square feet of living area. In contrast, the board of review contends that the dwelling contains 2,252 square feet of living area.

Contrary to procedural requirements established by the Property Tax Appeal Board, the board of review failed to provide a property record card for the subject (86 Ill.Admin.Code §1910.40(a)). The board of review provided a computer printout that lacks a schematic drawing and has handwritten modifications on the document. The data on this document does not match size information for the dwelling provided in the board of review's evidence.

The Property Tax Appeal Board notes first that a dispute over 143 square feet of living area would not typically be determinative of an appeal before the Board assuming other relevant and probative evidence was provided for analysis. Second, the Board finds that the apparent reason for the dispute is, in part, the appellant's appraiser's decision to exclude the subject's attic area from the living area square footage calculation in the appraisal report. Specifically, as part of the Supplemental Addendum, the appraiser wrote "deducted from the second floor sf [square footage] is the unfinished attic space which is labeled in the drawing." As part of the report the appraiser acknowledged that there are permanent stairs leading to access the additional attic space, but it was also noted that the space "shows signs of bat infestation with a significant amount of feces present." Therefore, the Board finds that the best evidence of the subject's living area square footage was presented by the board of review as 2,252 square feet of living area, including the attic space of the dwelling.

Findings of Fact

The subject property consists of a two-story dwelling¹ of wood siding exterior construction with 2,252 square feet of living area including an unfinished attic with permanent stairs for access. The dwelling was constructed in 1912 with a reported effective age of 20 years according to the appellant's appraiser. Features of the home include one full/one-half bathroom, a full unfinished basement, central air conditioning and a detached two-car garage. The property has a 7,130 square foot site and is located in Beardstown, Beardstown Township, Cass County.

The appellant contends overvaluation and lack of assessment equity as the bases of the appeal. In support of these arguments, the appellant submitted an appraisal, additional comparable sales #7 through #10 chosen by the appellant² and assessment equity data for each of the ten comparables presented within the appellant's evidentiary submissions.

The appellant's appraisal concerns both the subject parcel number and an additional adjacent vacant parcel identified as 03-150-010-00, which is not included in the subject matter of this pending appeal. Despite that both parcels in the appraisal report are not being appealed, the

¹ While both parties describe the subject as a two-story dwelling, the Board finds in the absence of a property record card with a schematic drawing, the most accurate description based on photographs may be a part two-story, part 1.5-story dwelling with attic area.

² Appellant's comparable sales #1 through #6 were the same unadjusted sales as were presented in the appraisal report.

appraisal, which was prepared by Erynn Snedeker, a Certified Residential Appraiser, estimated the subject property along with the additional adjacent vacant parcel had a combined market value of \$76,000 as of March 30, 2018.

The appraisal was prepared based upon fee simple rights for the purpose of a tax appeal. The appraiser reported the two parcels presented a combined land area of 7,933 square feet which thus reflects 803 square feet of land area for the adjacent parcel which is not part of this appeal. As to the subject dwelling, the appraiser reported the following updates according to the owner: a roof in 2010; furnace and central air in 2012; and all windows replaced except leaded or stained glass in 2012. The appraiser noted that the home had no second floor gutters "with waste cans around the home to catch water run off."³ The appraiser also reported that there were some cracks in the foundation "which is typical in older homes." As part of the Supplemental Addendum, Snedeker reported the subject home was in well-kept condition with limited updates keeping the character of the older home including original woodwork throughout and original hardwood in much of the main floor. There were some updates in the kitchen including tile flooring and a newer vanity in the half-bath. A small porch off the rear of the home has no rear stair access. On the second floor, one room which is considered a bedroom has very limited closet space due to duct work occupying the space. The two-car detached garage has limited use due to its smaller than average size and cannot store a truck due to its length.

The appraiser utilized the sales comparison approach to value in this report selecting homes within the same school district as the subject and which sold since January 1, 2017. (Scope of Work, Supplemental Addendum). Snedeker further sought 1.5 – 2-story dwellings with 1.5 – 2.5 bathrooms in like-kind condition and which the appraiser has visited or were listed with a Realtor to obtain factual information. The appraiser acknowledges that appraisal sale #6 was an exception as an older sale "but otherwise meets the stated criteria."

Using the sales comparison approach, Snedeker analyzed six comparable sales which were located from .04 to .40 of a mile from the subject. The comparables have sites that range in size from 4,375 to 10,313 square feet of land area and were improved with a Victorian, a Traditional and five, 1.5-story dwellings that were 66 to 125 years old. The subject and five of the comparables were described as having "residential" locations with comparable #1 having a "residential/commercial" location. The subject and each comparable was described as having a "residential/city street" view. Quality of construction of comparable #6 was "average+" as compared to the subject and remaining comparables that were each "average." Condition for comparable #3 was "similar-" and for comparable #5 "superior" whereas the subject and remaining properties were deemed to be "average." The homes range in size from 1,950 to 2,872 square feet of living area. Each home features a basement, with comparable #6 having a recreation room and central air conditioning. Five comparables each have a two-car garage and comparable #6 has a one-car carport. The comparables sold from August 2016 to December 2017 for prices ranging from \$70,000 to \$89,000 or from \$27.86 to \$40.97 per square foot of living area, land included.

³ Color photographs of the subject dwelling that were included in the appraisal report depict gutters and at least four downspouts, two on the front corners of the home and two on the rear.

In the summary of the sales comparison approach, beneath the data for sales #4, #5 and #6, the appraiser discussed appraisal sales #1, #4 and #5 along with details on other area properties. Snedeker described appraisal sale #1 as being very similar to the subject, except for updated bathrooms; she noted the property was listed with a Realtor for several months before being sold to the tenant/relative. As this property was exposed to the market, Snedeker considered it to have been arms'-length. For appraisal sale #4, she noted that while county records depict the transaction as not having been advertised, according to Zillow.com,[®] this property was listed with a local agent where the listing was removed November 16, 2016. Snedeker thus presumed the property condition did not change from the expiration of the listing and then the property sold in January 2017 without paying a Realtor. Appraisal sale #5 was also shown on county record as not having been advertised, but this property likewise was listed online via Zillow.com.[®] In light of this fact, the appraiser deems this to have been an arm's-length sale that was open to the market. Snedeker also remarked on the questionable square footage of this home based upon the design versus the schematic drawing depicting identical square footages for the first and second floors despite the home's 1.5-story design; this dwelling has updated bathrooms and kitchen.

The appraiser applied adjustments to the comparables for differences when compared to the subject for condition, bathroom count, dwelling size, finished basement and/or carport. Snedeker described in the report that land adjustments were not necessary since each was an in-town property although differences were taken into consideration in the final opinion. No age adjustment was deemed necessary as most comparables have similar condition/effective age. Through this process, the appraiser set forth adjusted sales prices ranging from \$66,685 to \$86,455, including land. Snedeker concluded a value, given the condition of the subject, the fact that its functional utility by having only 1.5 bathrooms as compared to most dwellings of this size having 2+ bathrooms and its limited garage usefulness due to it being too shallow for larger vehicles, an estimated market value for the subject of \$76,000 or \$33.75 per square foot of living area, including land, based upon the dwelling size of 2,252 square feet.

As part of the appraisal, Snedeker also discussed two sales and four listings that were analyzed but not used in the appraisal report for various reasons including dwelling size, features, use as a duplex, lack of a garage, finished basement and other differences. As outlined by the appraiser, these properties depicted sales/asking prices ranging from \$45,000 to \$89,900.

As part of the Section V grid analysis, the appellant submitted data on four additional comparable sales located within six blocks from the subject property. The comparable parcels contain either 6,325 or 6,688 square feet of land area and have each been improved with a two-story frame dwelling. The homes range in age from 94 to 134 years old and range in size from 2,164 to 2,718 square feet of living area. Each comparable has an unfinished basement, central air conditioning and a garage ranging in size from 256 to 396 square feet of building area. The comparables sold from September 2015 to July 2017 for prices ranging from \$42,000 to \$60,000 or from \$18.10 to \$27.73 per square foot of living area, including land.

In Section V, the appellant also reported the assessments of the six comparables in the appraisal along with the four additional sales gathered by the appellant. These ten comparables have improvement assessments ranging from \$11,615 to \$24,445 or from \$4.27 to \$11.72 per square foot of living area.

Based on this evidence, the appellant requested a total assessment approximately reflective of the appraised value conclusion, which includes the adjacent vacant parcel, at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,335. The subject's assessment reflects a market value of \$84,355 or \$37.46 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Cass County of 33.59% as determined by the Illinois Department of Revenue. The subject has an improvement assessment of \$25,575 or \$11.36 per square foot of living area.

The board of review submitted a memorandum entitled "Synopsis" in which it was reported the subject property was one of approximately 175 revaluations in Beardstown Township which occurred in 2017 through a contract with the Cass County Assessment Office after the township assessor's resignation. "The revaluations consisted of properties the Cass County Assessment Office felt were not reflective of the current fair market value and needed correction."

Besides the argument that was addressed in the preliminary matters portion of this decision, the board of review argued that appraisal sales #1, #4 and #5 were "not arm's-length sales" and would not have been given any weight if they had been submitted directly to the board of review. As previously described by Snedeker, appraisal sale #1 was on the market briefly in late 2016 and then was purchased by the tenant/relative. Appraisal sales #4 and #5 were not advertised according to the Illinois Real Estate Transfer Declarations (BOR Exhibits E & F).

The board of review also presented additional arguments against consideration of appellant's comparable sales #7, #8 and #10. Appellant's sale #7 reportedly has not been maintained and is substantially inferior to the subject dwelling. As to appellant's sale #8, the board of review noted the 1993 sale price of \$50,000 and the July 2017 sale price of \$58,000 to opine the lack of appreciated value in 24 years indicating the home "has not been well maintained." As depicted in Exhibit G, an actual photo of this comparable, the board of review contends this property is inferior to the subject. After examining its own data records on appellant's comparable #10, the board of review discovered the property was drawn incorrectly (Exhibit H); while this property sold in September 2015 for \$49,200, the "sales history indicates that this property has not been taken care of and is substantially inferior to the subject property."

In support of its contention of the correct assessment, the board of review submitted information on seven comparable properties with assessment data and sales information for five of the comparables along with supporting documentation consisting of property record cards, a color photograph and a brief argument regarding the property. The comparables have sites that range in size from 6,325 to 12,650 square feet of land area and were improved with a 1.5-story and six, two-story dwellings of frame exterior construction that are 80 to 115 years old. The homes range in size from 1,635 to 3,034 square feet of living area. Each home features from 1.5 to 2.5-bathrooms, an unfinished basement, central air conditioning, and a garage or garages ranging in size from 240 to 1,400 square feet of building area and where comparable #7 has two separate garages. Comparables #3, #4 and #5 each have fireplace amenities. Comparables #1, #2, #4, #5 and #7 sold between July 2014 and September 2018 for prices ranging from \$72,000 to \$145,000 or from \$37.11 to \$56.55 per square foot of living area, including land, where comparable #4

sold both in 2014 and 2018 for an increased sale price of \$30,000. The seven comparables presented by the board of review have improvement assessments ranging from \$21,260 to \$36,745 or from \$10.26 to \$14.33 per square foot of living area.

Based on the foregoing evidence and arguments, the board of review requested confirmation of subject's estimated market value as reflected by its assessment.

In rebuttal, the appellant submitted a five-page memorandum addressing each of the seven comparables presented by the board of review along with supporting documentation. As to board of review comparable sales #1, #2, #4 and #5 the appellant contends it is inappropriate to present sales that occurred in 2018 as these sales were not utilized in developing the subject's assessment for tax year 2017. In addition, the appellant argues the superior nature of these comparables when compared to the subject. Comparable #4 has a larger lot and larger garage and each of the remaining board of review comparables are superior to the subject and feature other amenities that are not present on the subject property.⁴

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 submitted an appraisal of the subject property along with additional suggested comparable sales and the board of review criticized the sales in the appraisal and provided five comparable sales in support of their respective positions before the Property Tax Appeal Board. The Board has given little weight to appellant's comparables sales #7 through #10 and to board of review comparable sales #4, #5 and #7 due to differences in condition, dwelling size, age and/or features when compared to the subject dwelling.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an opinion of value of \$76,000, including land, which is below the subject's estimated market value as reflected by its assessment of \$84,355, land included. In estimating the market value of the subject property, the appellant's appraiser relied upon the sales comparison approach and made adjustments to the comparables to account for differences from the subject property; as noted, the assessing officials failed to present any valid criticisms of the Sedeker appraisal report. On this record, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the area sales within the report that were most similar to the subject and the logical adjustments made to the comparables for differences along with consideration of board of review comparables #1 and #2. Given that board of review comparable #1 is newer than the subject, it would require a downward adjustment to make it more equivalent to the subject

⁴ The appellant noted an above-ground swimming pool as one of these additional features. The Board takes notice that this item is not assessed as real property but is an item of personal property; inground swimming pools are assessable real property under the Property Tax Code.

property and board of review comparable sale #2 appears to support the appraiser's value conclusion.

The subject's assessment reflects a market value of \$84,355, including land, which is above the appraised value and, after appropriate adjustments, above the best comparable board of review sales #1 and #2 in the record. Based on this evidence, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is justified.⁵

The appellant also contended unequal treatment in the subject's assessment as a 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 assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is equitably assessed and no further reduction in the subject's assessment is warranted.

⁵ While the Board recognizes that this determination includes a value for the adjacent vacant parcel, on this record there is no mechanism to extract that value from the appraiser's opinion of value.

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: September 15, 2020



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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