



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

APPELLANT: Brian Peight
DOCKET NO.: 18-04359.001-R-1
PARCEL NO.: 11-07-33-128-019

The parties of record before the Property Tax Appeal Board are Brian Peight, the appellant; and the Stephenson 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 **Stephenson** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$3,860
IMPR.: \$31,470
TOTAL: \$35,330

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Stephenson County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2018 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 containing 2,074 square feet of living area. The dwelling was constructed in 1974. Features of the home include a full basement, central air conditioning, a fireplace and a two-car garage located in the basement. The property has a 16,093 square foot site and is located in Lena, West Point Township, Stephenson County.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument the appellant completed Section IV – Recent Sale Data of the appeal disclosing the subject property was purchased in October 2015 for a price of \$89,500. The appellant identified the seller as Kock Margery L Trust and indicated the parties were not related. The appellant also stated the property was sold by a Realtor, had been listed in the Multiple Listing Service (MLS) and had been advertised for two years. The appellant also indicated that \$16,500 was spent renovating the property prior to occupancy in February 2016.

In further support of the overvaluation argument the appellant provided information on four comparables improved with three, one-story dwellings and one, two-story dwelling ranging in size from 1,621 to 2,091 square feet of living area. The dwellings range in age from 41 to 149 years old. Each comparable has a basement with finished area, central air conditioning and a garage ranging in size from 960 to 1,248 square feet of building area. The comparables have sites ranging in size from 10,019 to 14,724 square feet of land area. These properties sold from March 2016 to August 2018 for prices ranging from \$79,000 to \$110,000 or from \$38.28 to \$55.21 per square foot of living area, including land.

The appellant also utilized the comparable sales in support of the assessment inequity argument. The comparables have improvement assessments ranging from \$22,763 to \$30,936 or from \$11.03 to \$15.50 per square foot of living area. The comparables have land assessments ranging from \$2,380 to \$3,400 or from \$.23 to \$.27 per square foot of land area.

The appellant submitted a copy of the final decision issued by the board of review disclosing a total assessment of \$48,166. The subject's total assessment reflects a market value of \$144,210 or \$69.53 per square foot of living area, including land when using the 2018 three-year median level of assessments for Stephenson County of 33.40% as determined by the Illinois Department of Revenue. The subject property has a land assessment of \$6,023 or \$.37 per square foot of land area and an improvement assessment of \$42,143 or \$20.32 per square foot of living area.

Based on this evidence the appellant requested the subject's land assessment be reduced to \$3,500, the improvement assessment be reduced to \$30,000, for a revised total assessment of \$33,500.

The board of review did not timely submit its "Board of Review Notes on Appeal" or evidence in support of its assessed valuation of the subject property.

Conclusion of Law

The appellant argued in part 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 meet this burden of proof and a reduction in the subject's assessment is warranted on this basis.

The appellant provided evidence the subject property was purchased in October 2015 for a price of \$89,500. The evidence indicated the purchase had the elements of an arm's length transaction as the parties were not related, the property was sold through a Realtor, and the property had been advertised in the MLS for approximately 2 years. The appellant further disclosed that \$16,500 was spent following the purchase to renovate the dwelling prior to occupancy in February 2016. Although the sale is somewhat dated with reference to the January 1, 2018 assessment date, some weight should be given the transaction plus the renovation costs in establishing the correct assessment of the subject property.

Additionally, the appellant provided information on four comparable sales to support the overvaluation argument. Less weight is given appellant's comparable #3 due to its different two-story style and older age in relation to the subject dwelling. The three remaining comparables sold from March 2016 to August 2018 for prices ranging from \$79,000 to \$90,000 or from \$38.28 to \$55.21 per square foot of living area, including land.

The subject's total assessment reflects a market value of \$144,210 or \$69.53 per square foot of living area, including land, which is greater than the sum of the subject's purchase price and renovation costs as well as being above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's total assessment to \$35,330, is justified to reflect a market value of approximately \$106,000 or \$51.11 per square foot of living area, including land.

The appellant also contends assessment inequity as an alternative basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds that after considering the revised assessment based on market value, a further reduction in the subject's assessment for assessment inequity is not justified.

The Board finds the subject's revised total assessment results in a land assessment of \$3,860 or \$.24 per square foot of land area, and an improvement assessment of \$31,470 or \$15.17 per square foot of living area, both of which are within the range of the comparables provided by the appellant on a square foot basis.

As a final point, the Board finds the board of review did not timely submit any evidence in support of its assessment of the subject property and to refute the appellant's argument as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Board. 86 Ill.Admin.Code §1910.40(a) & §1910.69(a).

Based on this record the Board finds a reduction in the subject's assessment is appropriate.

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: February 16, 2021



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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