



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

APPELLANT: Shaun Gallagher
DOCKET NO.: 19-09095.001-R-1
PARCEL NO.: 05-20-31-227-020

The parties of record before the Property Tax Appeal Board are Shaun Gallagher, 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: \$6,769
IMPR.: \$26,002
TOTAL: \$32,771

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 2019 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 split-level dwelling of frame and steel/aluminum siding exterior construction with 1,163 square feet of living area.¹ The dwelling was constructed in 1977 and is approximately 42 years old with an effective age of 25 years. Features of the home include a 1,107 square foot basement which is 95% finished, central air conditioning, and a 2-car garage. The property has a 13,950 square foot site and is located in German Valley, Ridott Township, Stephenson County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$98,000 as of August 29, 2019 and the appellant disclosed that the subject property sold on September 20, 2019 for \$95,000.

¹ All descriptive data for the subject has been drawn from the appellant's appraisal evidence due to the default of the board of review in this appeal.

The appellant also submitted a copy of the decision of the board of review disclosing the subject property had a total assessment of \$43,269 reflecting a market value of \$129,393 or \$111.26 per square foot of living area, including land, when using the 2019 three-year average median level of assessment for Stephenson County of 33.44%.

The appraisal was prepared by Brad A. Davis, a certified residential real estate appraiser, for the appellant's lender in connection with the lender's financing the appellant's purchase of the subject property. Under the sales comparison approach, the appraiser examined three comparable sales and one listing. The comparable sales are located from 0.46 of a mile to 13.18 miles from the subject property. Two sales occurred in German Valley and one sale occurred in Cedarville. These parcels range in size from 10,582 to 15,200 square feet of land area and are improved with ranch-style, split-level, or 1.5-story homes ranging in size from 1,000 to 1,656 square feet of living area. The dwellings range in age from 25 to 78 years old. Each home has a basement ranging in size from 949 to 1,064 square feet of building area, two of which have either 600 or 800 square feet of finished area, central air conditioning, and a 2-car garage. The comparables sold from April 2018 to August 2019 for prices ranging from \$78,900 to \$112,500 or from \$47.64 to \$110.00 per square foot of living area, including land. The listing is located 0.48 of a mile from the subject property. The parcel has 11,918 square feet of land area and is improved with a ranch-style home with 1,064 square feet of living area. The dwelling is 49 years old. Features include a 1,064 square foot basement with 750 square feet of finished area and a 2-car garage. This property is listed for \$12,900 or \$106.11 per square foot of living area. The appraiser adjusted these comparables for differences from the subject, such as age, condition, room count, dwelling size, basement finish, and other improvements, and calculated adjusted sale or list prices ranging from \$86,000 to \$106,200, with appraisal sale #2 having an adjusted sale price of \$106,200 and the least total adjustments, net adjustments, and percentage of gross adjustments. Based on the foregoing, the appraiser opined the market value of the subject was \$98,000 as of August 29, 2019.

The appellant completed Section IV of the residential appeal petition disclosing that the appellant purchased the subject property on September 20, 2019 for \$95,000 and submitted copies of a real estate purchase contract, real estate disclosure forms, and a contract addendum in support of this sale transaction. These documents show that the appellant contracted to purchase the subject property from the Gerald K. Denekas Trust and the Marjorie J. Denekas Trust. The appellant asserted that the sale was not a transfer between family members or related corporations and that the subject property was not advertised for sale; however, the appellant also stated that the subject property was advertised through "word of mouth" among family and local church members. The appraiser disclosed in the appraisal report that the appellant's purchase was a transaction between adjoining landowners.

Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value conclusion.

The board of review did not submit its "Board of Review Notes on Appeal" nor any evidence in support of its assessed valuation of the subject property. The board of review was notified of its default by letter dated June 3, 2021.

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 based this appeal in part on a recent sale of the subject property in September 2019 for a price of \$95,000. To document the sale transaction the appellant submitted copies of a real estate purchase contract, disclosure forms, and a contract addendum. The appellant disclosed that the subject property was advertised only by “word of mouth” to family members and local church members. In the appraisal report, the appraiser disclosed the sale occurred between adjoining landowners. On this limited record, the Board finds the purchase of the subject property for a price of \$95,000 may not be reflective of an arms’ length transaction.

The record also contains an appraisal which opines the subject had a market value of \$98,000 as of August 29, 2019. The Board finds the best evidence of the subject’s market value to be the value conclusion contained in the appraisal. The board of review did not submit any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the 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). The subject’s assessment reflects a market value of \$129,393 or \$111.26 per square foot of living area, including land, which is above the appraised value conclusion of \$98,000. Based on this limited record, the Board finds that a reduction in the assessed valuation of the subject property is warranted.

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: July 19, 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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Shaun Gallagher
1024 Fairview Street
German Valley, IL 61039

COUNTY

Stephenson County Board of Review
Stephenson County
15 N Galena Ave # 7
Freeport, IL 61032