



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

APPELLANT: Kevin A. & Darena S. Hahn  
DOCKET NO.: 19-09418.001-R-1  
PARCEL NO.: 07-24-250-013-000

The parties of record before the Property Tax Appeal Board are Kevin A. & Darena S. Hahn, the appellants and the Monroe 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 **Monroe** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$13,590  
**IMPR.:** \$36,475  
**TOTAL:** \$50,065

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants timely filed the appeal from a decision of the Monroe 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 1.5-story single-family dwelling of brick and frame exterior construction. The dwelling was constructed in 1944 and has a reported effective age of 20 years. Features of the home include an unfinished full basement, central air conditioning and a detached two-car garage. The property has an approximately 18,179 square foot site and is located in Waterloo, Waterloo Township, Monroe County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal prepared by Cloice Lybarger, Jr., a Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$155,000 as of June 11, 2020. The appraisal was prepared for use in a tax protest. The appraiser opined a market value of the subject property using fee simple rights. Using the sales comparison approach to value, Lybarger analyzed four comparables located in Waterloo and within .70 of a mile from the subject. The parcels range in size from 8,276 to 13,939 square feet of land area. Each

comparable is improved with a 1.5-story dwelling of vinyl siding or brick and vinyl siding exterior construction. Each dwelling has a basement, one of which has finished area. Each home has central air conditioning, and three properties have either one-car or two-car garages. The comparables sold from September 2019 to March 2020 for prices ranging from \$136,000 to \$192,500, including land.

The appraiser made adjustments to the comparables for sales/financing concessions and/or other differences when compared to the subject in characteristics resulting in adjusted sales prices ranging from \$149,500 to \$170,000. Based on this appraisal evidence, the appellants requested a reduced total assessment approximately reflective of the appraised value conclusion of \$155,000, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$63,060. The subject's assessment reflects a market value of \$195,232, land included, when using the 2019 three year average median level of assessment for Monroe County of 32.30% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review supplied a memorandum prepared by Brad Krueger, a member of the Monroe County Board of Review along with a copy of the subject's property record card. As argued first, the board of review objects to the date of valuation in the appellants' appraisal report contending that it should present an opinion of value as of January 1 of the year on appeal. Second, Krueger stated the comparable sales in the appraisal "are all in neighborhoods older than the subject's and would, therefore, naturally result in lower values." Lastly, the board of review in the memorandum contends that the appellants' appeal at the local level was based upon lack of assessment uniformity (a copy of the appellants' original inequity grid analysis was provided); as a result of that appeal, the Monroe County Board of Review lowered the subject's total assessment from \$64,370 to \$63,060. In closing, the board of review offered to stipulate to the final assessment of \$63,060 which the appellants are appealing before the Property Tax Appeal Board.

In rebuttal, the appellants argue that obtaining an appraisal as of January 1, 2019 was not possible since the assessment being challenged in this appeal was not first received until February 26, 2020. The appellants further report that in August 2016, the subject property was appraised with an opinion of value of \$138,000 which the Monroe County Board of Review accepted.

In addition, the appellants provided property record cards for appraisal sale #2 and two other sales not previously in evidence. The appellants also provided three property record cards noted as equity comparables.

In closing, the appellants acknowledge that property values may have increased, but object to a 37% to 40% increase in the subject's estimated market value when area homes in the neighborhood increased 4% to 5%. Finally, the appellants report that no improvement or changes have been made to the subject property since 2006.

Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party.

(86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered the six property record cards submitted by appellants in conjunction with their rebuttal argument.

### **Conclusion of Law**

As an initial matter, concerning the effective date of the appellants' appraisal report and the objection posed by the board of review. The appellants are in error when they contend in rebuttal that an opinion of value as of January 1, 2019 could not have been obtained. Instead, the appellants or any individual retaining an appraiser may request a "retrospective opinion of market value" be prepared by a licensed appraiser. Furthermore, although the board of review is correct that the procedural rules of the Property Tax Appeal Board state, in pertinent part, that proof of market value "may" consist of "an appraisal of the subject property as of the assessment date at issue" (86 Ill.Admin.Code §1910.65(c)(1)), the Board finds that when an appraisal does not opine a market value opinion as of the assessment date at issue, this market value evidence merely goes to the weight to be afforded to the opinion of value and does not bar it from consideration before the Property Tax Appeal Board. See Cook County Board of Review v. Property Tax Appeal Board, 334 Ill.App.3d 56, 59, 777 N.E.2d 622, 625 (1<sup>st</sup> Dist. 2002). The Board finds this to be a particularly valid point in this appeal, where the Monroe County Board of Review wholly failed to provide any market value evidence in the form of recent comparable sales data and/or its own appraisal with an opinion of market value of the subject in support of its valuation.

Additionally, as to the board of review noting a change in the basis of this appeal from a lack of assessment equity in the appeal made before the board of review to a market value argument before the Property Tax Appeal Board, the law is clear that 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 procedural rule, 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)).

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best and only evidence of market value contained in the record is the appraisal submitted by the appellants with an opinion of market value as of June 11, 2020 of \$155,000. The subject's assessment reflects a market value of \$195,232, including land, which is above the appraised value. On this limited record, the Board finds the subject property had a market value of \$155,000 as of the assessment date at issue. Since market value has been established the 2019 three year average median level of assessments for Monroe County of

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32.30% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 21, 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

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