



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

APPELLANT: Portia & Brad Oberkfell
DOCKET NO.: 20-08779.001-R-1
PARCEL NO.: 07-05-317-001-000

The parties of record before the Property Tax Appeal Board are Portia & Brad Oberkfell, 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 **No Change** 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: \$16,580
IMPR.: \$115,880
TOTAL: \$132,460

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 2020 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 one-story dwelling of brick and wood siding exterior construction with 2,877 square feet of living area.¹ The dwelling was constructed in 2019.² Features of the home include a basement, central air conditioning, and a garage containing 858 square feet of building area.³ The property has an approximately 2.5-acre site and is located in Waterloo, Monroe County.

¹ The parties differ as to the subject property's dwelling size. The Board finds the property record card, containing a detailed property sketch, to be the best evidence of dwelling size.

² Although the appellants state in Section VI of the appeal that the dwelling was constructed in July 2018 and completed July 2020, the appellants also state in Section III of the appeal that the home was constructed in 2019 and in Section IV that the home was purchased as new construction in September 2019. The Board of Review states a year built of 2019. The Board finds the dwelling was constructed in 2019.

³ The parties differ as to the size of the garage as well as the number of fireplaces. The Board finds the property record card, containing a detailed property sketch, to be the best evidence of garage size and features.

The appellants contend overvaluation of both the land and improvement as the basis of the appeal. In support of this argument the appellants submitted a Closing Disclosure concerning the September 2019 purchase of the subject property for \$298,660 and information on the cost to construct the subject dwelling. The appellants' submission also included a listing sheet and assessment information for an additional property.

The appellants completed Section VI of the Residential Appeal petition under recent construction reporting that the dwelling was erected in July 2018 for a total cost of \$257,662, rounded, or \$89.56 per square foot of living area. The appellants reported this total cost included all costs and that the owners acted as general contractor. The appellants also submitted itemized lists depicting costs totaling \$257,662, rounded.

Additionally, the appellants completed Section IV of the appeal form regarding the recent purchase of the subject. The appellants reported that the subject was purchased in September 2019 for \$298,660. The appellant further reported that the parties to the transaction were not related, the property was not listed with a Realtor or advertised for sale, and was new construction.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$132,460. The subject's assessment reflects a market value of \$404,705 or \$140.67 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for Monroe County of 32.73% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a memorandum, "offering sheets" from a "local contractor's website," and information on three equity comparables which lack any sales data addressing the appellants' market value argument. The memorandum asserts that it is unclear whether all loan draw authorizations were submitted, whether any costs were paid outside of the construction loan, and asserts that the loan amount exceeds the claimed value of the property. The comparables are located within 1.2 miles of the subject. The comparables consist of one-story dwellings of brick and wood siding exterior construction that were built from 2008 to 2018. The homes range in size from 2,601 to 2,995 square feet of living area. Each dwelling has central air conditioning, a basement, and a garage ranging in size from 900 to 1,530 square feet of building area. Based on this evidence the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants stated that all construction draw authorizations were submitted and that these include all costs paid. The appellants stated that the listing sheet was submitted to show that this larger home, which sold for a price similar to the subject's construction cost, has a lower property tax bill.

In surrebuttal, the board of review stated that the appellants' one comparable was insufficient evidence and that the appellants' cost of construction was below the norm for the area.

Conclusion of Law

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Regarding the land valuation argument, the Board finds that the June 2018 land purchase price of \$47,500 is too remote in time to provide a credible or valid indication of market value for the subject parcel as of the assessment date at issue in this appeal of January 1, 2020. The subject's land assessment reflects a market value of \$49,745, which would indicate a 2.4% increase per year over the reported purchase price and does not appear unreasonable. Having provided no other evidence to support a reduction in the subject's land value on this record, no change in the subject's land assessment is warranted.

Regarding the improvement valuation argument, the Board gives little weight to the appellants' construction costs, consisting of itemized lists, which did not include a contractor's affidavit or receipts to substantiate the numerous allowance items. Nor does the record include any explanation for the reimbursements to the appellants contained in those lists. Further, the appellants reported a sale price of \$298,660, however that sale price is less than the sum of the land and construction costs listed in Section VI of the appeal of \$305,162, rounded. Additionally, the appellants stated that the purchase price was equivalent to the loan amount, \$298,660, which was reported in the Closing Disclosure submitted by the appellants.⁴ The record indicates that the loan type was conventional, indicating that the appellants made at least some down payment which was not disclosed in the appeal, and while appellants' rebuttal states that banks and credit unions allow for "other creative means" of financing, no other evidence was presented to rebut the board of review's claim. Further, the appellant failed to provide evidence of the sale, such as a contract, settlement statement, or PTAX-203, and failed to demonstrate that the purchase had the elements of an arm's length transaction. The Board also gives no weight to the board of review's equity comparables as they are not responsive or relevant to the appellants' overvaluation or market value argument. Based on this evidence the Board finds a reduction in the subject's improvement assessment is not justified.

⁴ Pages 2-4 of the Closing Disclosure were omitted from the appellants' submission.

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: 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

AGENCY

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