



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

APPELLANT: Michael & Amy Haberman  
DOCKET NO.: 22-03854.001-F-1  
PARCEL NO.: 04-027-008-01

The parties of record before the Property Tax Appeal Board are Michael & Amy Haberman, the appellants; 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:

<b>F/Land:</b>	\$650
<b>Homesite:</b>	\$2,370
<b>Residence:</b>	\$60,088
<b>Outbuildings:</b>	\$5,575
<b>TOTAL:</b>	\$68,683

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 2022 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 dwelling of frame construction with 1,624 square feet of living area. The dwelling was constructed in 2015. Features of the home include a full unfinished basement, central air conditioning, a fireplace, an attached 784-square foot garage, a detached 320-square foot garage, and an inground swimming pool.<sup>1</sup> The property has an approximately 12.57-acre site and is located in Virginia, Bluff Springs Township, Cass County.

The appellants contend assessment inequity with respect to the improvement only as the basis of the appeal. The appellants are not challenging the land (homesite), farmland, or farm building assessments. In support of this argument, the appellants submitted information on five equity

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<sup>1</sup> Some descriptive features of the subject property not provided by the appellant were drawn from the property record card provided by the board of review and not challenged in rebuttal.

comparables located within one mile from the subject property. The comparables are described as 1-story or 1.5-story dwellings of frame or brick construction ranging in size from 1,508 to 2,896 square feet of living area.<sup>2</sup> The homes were built from 1916 to 2009 with comparable #3 being constructed in 1916 but having been fully renovated with an addition built in 2005. Each comparable has central air conditioning and an attached or a detached garage ranging in size from 576 to 1,240 square feet of building area; two comparables each have a fireplace; three comparables each feature a full unfinished basement; and two comparables have either a crawl space or part crawl space and part concrete slab foundation. The improvement assessments of the comparables range from \$37,105 to \$113,960 or from \$18.19 to \$39.35 per square foot of living area.

The appellants further contend in a memorandum that each comparable property had assessment increases of merely 2 1/2% from the prior tax year, while the subject's assessment increased by 52% during the same period of time. The appellants also assert that each comparable has an improvement assessment lower than that of the subject in terms of price per square foot of living area which is evidence of inequality in improvement assessment. Based on these arguments and evidence submitted, the appellants requested the subject's improvement assessment be reduced.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$66,665. The subject property has an improvement assessment of \$64,295 or \$39.59 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted property record cards for the subject property and each of the parties' comparables along with a grid analysis with information on six equity comparables<sup>3</sup> located within 4.3 miles from the subject property. The board of review comparable #5 is the same property as appellants' comparable #1. The comparables consist of 1-story and 1.5-story dwellings of frame construction ranging in size from 1,120 to 2,856 square feet of living area. The homes were built from 1959 to 2019 with comparables #3 and #6 being built in 1970 and 1959 with effective ages of 2019 and 2005, respectively. Five comparables each feature a full basement and one comparable has a concrete slab foundation; each comparable has central air conditioning; three dwellings each have one fireplace; and each comparable has an attached or a detached garage/pole shed ranging in size from 572 to 1,140 square feet of building area. In addition, comparable #3 has a 352-square foot car port; comparable #4 has two additional garages containing 660 and 720 square feet of building area; and comparable #5 has an additional detached garage with 3,404 square feet of building area.<sup>4</sup> The comparables have improvement assessments that range from \$40,435 to \$113,960 or from \$33.00 to \$40.60 per square foot of living area.

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<sup>2</sup> The parties differ with regard to some descriptive features of the appellants' comparables. The Board finds the best evidence of the features/characteristics of the appellants' comparables to be the property record cards associated with these comparables which were submitted by the board of review and not challenged by the appellants in rebuttal.

<sup>3</sup> The board of review submitted property record cards for two additional comparables identifying them as "appellant comps" #6 and #7 which were not depicted on either parties' grid analyses. Given that the appellants did not present these two comparables as their evidence, and considering that each dwelling is greater than 100 years old, significantly dissimilar to the subject in age, the Board will not give further consideration to these two comparables.

<sup>4</sup> The board of review expressly stated in its memorandum that it did not place a value on the swimming pool but rather valued only the concrete paving around it. The subject's property record card also does not depict any value for the pool itself.

In further support of the improvement assessment, the board of review submitted a memorandum arguing that the appellants purchased the subject property in 2014 and had the original dwelling demolished and constructed a new dwelling on the existing basement. In 2022, upon discovery of additional concrete paving and a “lean-to” via aerial photographs, the township assessor reassessed the subject property “to reflect its current cash value.” Additionally, the board of review argued that the appellants secured a 30-year mortgage for an amount significantly greater than the appellants’ indicated amount of the cost of construction, and that the construction was done by one of the homeowners who is allegedly a professional contractor. Lastly, the board of review critiqued each of the comparables submitted by the appellants by detailing differences from the subject property. Based on these arguments and evidence submitted, the board of review requested the subject’s assessment be confirmed.

In rebuttal, the appellants denied the board of review’s assertion that one of the owners of the subject property is a professional contractor. Nevertheless, the appellants noted that board of review comparable #2 was built by a high school teacher rather than a professional contractor. In addition, the appellants argued that while the board of review claims that the price of approximately \$38.00 per square foot is equitable and fair for the subject property given the comparables presented, the subject’s assessment is \$54.00 per square foot of living area.<sup>5</sup> Lastly, the appellants contended that the board of review’s submission of mortgage documents securing the loan for the new construction is improper to prove equity in assessment.

### **Conclusion of Law**

The taxpayers contend assessment inequity as the 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 the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted a total of ten equity comparables (including one common comparable) in support of their positions before the Property Tax Appeal Board. The Board gives less weight to the parties’ common comparable, appellants’ comparable #1/board of review comparable #5, based on its significantly larger dwelling size, being approximately 55% larger when compared to the subject dwelling. For similar reason, the Board gave less weight to board of review comparables #3 and #6 based on their significantly smaller dwelling sizes relative to the subject. In addition, the board of review comparable #3 along with appellants’ comparables #4 and #5 each have a concrete slab and/or crawl space foundation, dissimilar to the subject’s full basement, and were therefore given reduced weight.

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<sup>5</sup> In their rebuttal, the appellants calculated the subject’s assessment of \$54.00 per square foot of living area based on an assessment of \$66,665 and 1,232 square feet of living area. The Board finds that this calculation is not correct as the subject has an improvement assessment of \$64,295 and the subject dwelling contains 1,624 square feet of living area which calculates to \$39.59 per square foot of living area.

The Board finds the remaining comparables which include appellants' comparable #2 and #3, along with board of review comparables #1, #2, and #4 to be reasonably similar to the subject property in terms of location, design, dwelling size, foundation, and some features. However, appellant's comparable #2 and board of review comparable #1 each have older age of construction relative to the subject, meaning that upward adjustments would need to be applied to these comparables in order to make them more equal to the subject. In addition, appellants' comparables #2 and #3, and board of review comparables #1 and #2, each have a single garage, and board of review comparable #4 has three garages, all dissimilar to the subject's two garages, suggesting that upward and downward adjustments would need to be made to these comparables for the sizes and the number of garages where they differ from the subject's two garages. Lastly, none of the comparables in the record have an inground swimming pool which is a feature of the subject property. However, the board of review did not place a value on the swimming pool but rather only the concrete paving around it which is confirmed on the subject's property record card. These most similar comparables in the record have improvement assessments ranging from \$43,930 to \$73,770 or from \$26.15 to \$39.83 per square foot of living area. The subject's improvement assessment of \$64,295 or \$39.59 per square foot of living area falls within the range established by the most similar comparables. However, of the five best comparables in the record, four have improvement assessments below that of the subject. Only board of review comparable #4 has an improvement assessment above that of the subject and that comparable is superior to the subject in dwelling size and number of garages.

The Board gives no weight to board of review's argument regarding the subject dwelling being built by the homeowner who is allegedly a professional contractor, or the amount of the mortgage to secure a loan for the construction of the subject dwelling as these matters are not accurate reflectors of the subject dwelling's market value as of the January 1, 2022 assessment date at issue, nor are they relevant to the question of uniformity in assessment which is at issue herein.

Based on this record, and after considering all the comparables submitted by the parties with emphasis on those properties with the most similar features, the Board finds that the subject's improvement is inequitably assessed and, therefore, a reduction in the subject's assessment 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:

April 16, 2024



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

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