



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

APPELLANT: Stephen Dempsey
DOCKET NO.: 23-04202.001-R-1
PARCEL NO.: 01-06-14-377-005

The parties of record before the Property Tax Appeal Board are Stephen Dempsey, the appellant; and the Lee 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 Lee County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$16,617
IMPR.: \$88,586
TOTAL: \$105,203

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Lee County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2023 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 vinyl siding exterior construction with 2,794 square feet of living area.¹ The dwelling was constructed in 2008 and is approximately 15 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace, a 726 square foot attached garage, an 864 square foot detached garage, and an inground swimming pool. The property has an approximately 2.5-acre site and is located in Steward, Alto Township, Lee County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant completed Section IV - Recent Sale Data and reported that the subject property was purchased on September 18, 2020 for a price of \$305,000 from David and Peggy Hatton. The appellant further reported that the parties to the transaction were not related, the property was

¹ Some descriptive information not provided by the appellant was drawn from the property record card submitted by the board of review and not refuted by the appellant via rebuttal filing.

sold through a realtor,² and the property was advertised through Realtor.com for one week. In further support of the appeal, the appellant provided a copy of the settlement statement reiterating the purchase price, sale date, and real estate commission distributed to two entities. Additionally, the appellant provided a copy of the Multiple Listing Service (MLS) data sheet, the Illinois Real Estate Transfer Declaration (PTAX-203) form associated with the subject sale, and photographs of the interior of the subject dwelling including the unfinished basement area depicting water damage. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$105,203. The subject's assessment reflects a market value of \$315,641 or \$112.97 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.³

In response to the appeal, the board of review argued in a memorandum that the subject property's assessment was lowered at the board of review hearing due to water damage in the basement and the elimination of one of the two fireplaces. The board of review further argued that the sale of the subject was too remote in time from the assessment date and that, considering the change in the market conditions, the 2023 assessment is an accurate reflection of the fair market value as of January 1, 2023 assessment date.

In support of its contention of the correct assessment, the board of review submitted a grid analysis and property record cards of the subject and four comparable sales, three of which are located within ½ of a mile from the subject and in the same neighborhood code as the subject property. Comparable #4, however, is located 5.12 miles from the subject and in a differing neighborhood code than the subject. The comparables have sites that range in size from approximately 2.5 acres to 4 acres of land area. The comparables are improved with 1.5-story or 2-story dwellings of vinyl exterior construction ranging in size from 2,289 to 2,633 square feet of living area and ranging in age from 19 to 23 years old. The comparables each feature a basement, one with finished area. Each comparable also features central air conditioning, one or two fireplaces, and a garage or garages ranging in combined size from 809 to 1,357 square feet of building area. The properties sold from January 2021 to November 2022 for prices ranging from \$295,000 to \$460,000 or from \$127.87 to \$174.71 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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

² Although the appellant marked that the subject property sold by Attorneys' Title Guaranty Fund, Inc. (ATG), the settlement statement associated with the subject sale depicts real estate commission being split between Kettley & Company Realtors and ReMax Hub City.

³ Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2023.

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

Although the subject's sale appears to have all the elements of an arm's-length transaction, the Board gave little weight to the subject's sale based on the fact that the sale occurred 27 months removed from the January 1, 2023 assessment date at issue and not as likely to be reflective of the subject's market value as the sales that occurred more proximate in time to the lien date. For similar reason, the Board gave less weight to board of review comparables #1 and #4 based on their dated sales in January and July 2021. Additionally, board of review comparable #1 has a finished basement area, dissimilar to the subject's unfinished basement, and comparable #4 is located 5.12 miles from the subject and is outside of the subject's neighborhood code.

The Board finds the best evidence of market value in the record to be board of review comparable sales #2 and #3 which sold proximate in time to the assessment date at issue and are similar to the subject in location, lot size, and some features. However, comparable #3 is smaller in dwelling size, has one less garage, and is 5 years older in age than the subject. Comparable #2 is likewise smaller in dwelling size but larger in basement area relative to the subject. These differences suggest that adjustments are needed to these two comparables in order to make them more equivalent to the subject. The two best comparables in the record sold in February and November 2022 for prices of \$320,000 and \$385,000 or for \$139.80 and \$149.57 per square foot of living area, land included, respectively. The subject's assessment reflects a market value of \$315,641 or \$112.97 per square foot of living area, including land, which is below the two best comparable sales in this record both in terms of overall market value and on a per square foot of living area basis. Therefore, based on this record and after considering appropriate adjustments to the two best comparables in the record for differences from the subject, the Board finds the subject's assessment is supported and a reduction in the subject's assessment is not justified.

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 19, 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

AGENCY

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COUNTY

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