



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

APPELLANT: John K. Plut
DOCKET NO.: 06-00239.001-R-1
PARCEL NO.: 04-10-08-152-004-0000

The parties of record before the Property Tax Appeal Board are John K. Plut, the appellant, and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$ 24,961
IMPR: \$104,948
TOTAL: \$129,909**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 27,554 square feet has been improved with a 13-year old, two-story frame dwelling containing 2,590 square feet of living area. Features include a full basement, central air conditioning, a fireplace, and an attached two-car garage of 520 square feet of building area. The property is located in Minooka, Channahon Township, Will County.

The appellant's appeal is based on overvaluation of the subject property. In addition, appellant asserted that he believed the Will County Board of Review, after their hearing, was going to reduce the total assessment to \$140,000 or reflective of an estimated market value of \$420,000. Appellant notes the final decision did not reflect that anticipated reduction and therefore appeals; to support the claim regarding the expected reduction, appellant included notes from the local hearing.

In support of the overvaluation argument, the appellant submitted an appraisal with the Property Tax Appeal Board estimating a value of \$390,000 or \$150.58 per square foot of living area, including land, for the subject as of September 8, 2006. Utilizing the sales comparison approach only, the appraiser set forth five suggested sales comparables located from 0.15 to 0.29-miles from the subject. Each comparable was a two-story dwelling

of dryvit, masonry, or frame and masonry construction ranging in age from 4 to 13 years old. The comparables range in size from 2,706 to 2,959 square feet of living area. Three comparables had walkout basements, two of which were finished, and two comparables had finished or partially finished standard basements. Each comparable had a three or four-car garage. In the notes, the appraiser reported the subject and sales #1, #2 and #3 have lake views. The comparables sold from July 2004 to August 2006 for purchase prices ranging from \$330,000 to \$500,000 or from \$111.52 to \$184.77 per square foot of living area including land. The appraiser made adjustments to the comparable sales for differences in land size, location if not "lake," all masonry construction, condition, room count, living area square footage, basement style and basement finish, and garage size. After adjustments, the appraiser concluded adjusted sale prices for the comparables ranging from \$357,100 to \$427,475 or from \$125.98 to \$153.95 per square foot of living area, including land. The appraiser then concluded an estimated fair market value of the subject of \$390,000. Based on this evidence appellant requested a total assessment for the subject property of \$130,000 based on this appraisal.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$142,741 was disclosed. The subject's assessment reflects an estimated market value of \$428,523 or \$165.45 per square foot of living area, including land, using the 2006 three-year median level of assessments for Will County of 33.31%. In support of the subject's assessment, the board of review presented a letter from Susan E. McMillin, the Channahon Township Assessor along with data on three comparable lake properties.

In the letter in response to the appraisal, the assessor noted the appellant's appraiser did not make any adjustments to the comparables for date of sale. She further pointed out that comparable #1 in the appraisal report was constructed of dryvit which is of inferior quality to the subject. Lastly, she noted that the appraisal's sales #4 and #5 were not lake properties. The assessor concluded the sales data skewed the appraisal.

In support of the subject's assessment, the assessor prepared an abbreviated grid analysis of three comparables described as lake properties with walkout basements and two-car garages, although in the grid comparable #3 is said to have a three-car garage. Board of review comparable #3 appears to be the same property as the appraiser's comparable #3. The assessor's grid indicates the comparables are part one-story and part two-story dwellings of frame, masonry or frame and masonry construction which were built between 1992 and 1997. Two comparables include a fireplace. The dwellings range in size from 2,508 to 2,706 square feet of living area. The assessor reported only that comparable #3 sold in July 2004 for \$500,000. In the grid, the assessor reported assessments for these three comparables, each of which had identical land assessments; the total assessments for the comparables ranged from \$139,297 to \$158,113. Based on this

evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

As set forth in the Property Tax Code, the Property Tax Appeal Board's jurisdiction is limited to determining the correct assessment of the subject property based on the evidence presented (35 ILCS 200/16-185). Moreover, a taxpayer or owner has the ability to file an appeal with the Property Tax Appeal Board when the taxpayer is dissatisfied with the decision of a board of review as the decision pertains to the assessment of his or her own property (35 ILCS 200/16-160). Based on the foregoing provisions, the Property Tax Appeal Board does not have jurisdiction to render a decision lowering the assessment of the subject property on the basis that the appellant understood a reduction was forthcoming from the Will County Board of Review as a result of the hearing held before the Will County Board of Review. Instead, a decision will be based upon equity and the weight of the evidence presented in this matter.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the evidence in the record does support a reduction in the subject's assessment.

The appellant submitted an appraisal with an estimated market value of the subject property as of September 8, 2006 of \$390,000. The board of review submitted one comparable sale in support of the subject's assessment which was included in the appraisal presented by the appellant. The Property Tax Appeal Board finds that the board of review failed to address the appellant's market value evidence when it submitted assessment equity information for its comparables. Thus, the Board places no weight on this data as to the issue of market value of the subject property.

There was one property #3 which was common to both parties' evidence. This property sold in July 2004 for \$500,000 or \$184.77 per square foot of living area, including land. The board of review, through the township assessor, criticized the appraiser for not adjusting the appraisal for the date of sale of the comparables. The Property Tax Appeal Board finds that this sale #3 common to both parties was the "oldest" sale of the five sales presented by the appraiser. Thus, in light of the board of review's presentation of comparable #3 in its evidence, the Property Tax Appeal Board finds the board's criticism of the appraisal due to a lack of adjustment for date of sale is not credible.

The assessor also criticized the use of sales #4 and #5 in the appraisal because these properties did not have lake views. Upon examining the data, the Board finds the adjusted sale prices of sales #4 and #5 were \$125.98 and \$129.24 per square foot of living area, including land, respectively. In contrast, the final opinion of value of \$390,000 for the subject or \$150.58 per square foot of living area, including land, is at the higher end of the adjusted sale prices per square foot of living area. Moreover, the common property #3 was said by the appraiser to have an adjusted sale price per square foot of living area, including land, of \$153.95, slightly higher than the final opinion of value which is justified given that this is an all masonry dwelling.

The Property Tax Appeal Board finds that, despite any questions raised, the appraisal submitted by the appellant estimating the subject's market value of \$390,000 is still the best and only evidence of the subject's market value in the record. The subject's assessment reflects an estimated market value of \$428,523 or \$165.45 per square foot of living area, including land, using the 2006 three-year median level of assessments for Will County of 33.31%. The Property Tax Appeal Board finds the appellant did demonstrate the subject property's assessment to be excessive in relation to its market value of \$390,000 as of January 1, 2006 and a reduction in the subject's assessment is warranted on this record.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessment for Will County for 2006 of 33.31% shall be applied.

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.



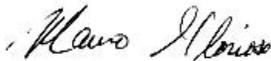
Chairman



Member



Member



Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

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: September 28, 2009



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 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 the subsequent year 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.

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.