



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

APPELLANT: David R. Cryer
DOCKET NO.: 06-00342.001-R-1
PARCEL NO.: 30-07-27-205-006-0000

The parties of record before the Property Tax Appeal Board are David R. Cryer, 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: \$19,200
IMPR.: \$29,100
TOTAL: \$48,300

Subject only to the State multiplier as applicable.

ANALYSIS

The subject 1.23-acre parcel has been improved with a one-story frame, masonry and log-sided single family dwelling of 3,100 square feet of living area¹ which was built in 1952. Features include a concrete slab foundation, central air conditioning, one fireplace, a patio and deck. The property also includes "related living quarters" with a "second" kitchen. The property is located in Joliet, Joliet Township, Will County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted information asserting the subject property was purchased in August 2006 for \$145,000 from an unrelated party after the property had been advertised in the local newspaper.

¹ Appellant and his appraiser reported the dwelling as having 3,100 square feet of living area; the board of review through the township assessor reported the dwelling to have 3,206 square feet of living area. The appraiser included a schematic of the dwelling as did the board of review with presentation of the property record card.

Appellant further reported that \$10,000 in renovations were expended before occupying the property involving what appellant described as "redecorating and landscaping" which were completed by December 1, 2006.

In further support of the overvaluation argument, appellant submitted an appraisal of the subject property with an estimated market value of \$155,000 as of July 18, 2006 wherein the appraiser used two of the three traditional approaches to value.

Under the cost approach, the appraiser estimated the subject's land value at \$40,000. Using a cost schedule and local builder input, the appraiser determined a reproduction cost new for the subject dwelling of \$232,500. Physical depreciation was calculated at \$109,275. The appraiser added the land value along with \$10,000 for "as-is" value of site improvements to the depreciated improvement value resulting in a total value by the cost approach of \$173,225.

Under the sales comparison approach, the appraiser presented five sales of comparable dwellings located from 0.11 to 0.68 miles from the subject. The comparables consist of three one-story and two split-level frame and masonry dwellings which were 45 to 54 years old. Each comparable had a full or partial basement, four of which were finished. Additional features included central air conditioning and one or two-car garages. Three comparables had one or two fireplaces. The dwellings ranged in size from 1,260 to 1,682 square feet of living area. The comparables sold between May 2005 and November 2005 for prices ranging from \$134,000 to \$195,000 or from \$85.68 to \$144.23 per square foot of living area including land.

In comparing the properties to the subject, the appraiser made adjustments for land area, exterior construction, room count, size, basement and basement finish, new roof and/or new windows, garage area, fireplaces, kitchen/bath upgrades or modernization, and whether the property had a second kitchen. In addition, the appraiser analyzed the fact that comparable sale #1 had also sold in January 2004. In analyzing the sales data gathered, the appraiser noted the comparables are not as large as the subject property, but the sales presented were within the previous 18 months and the most comparable available in close proximity to the subject. The adjustment analysis resulted in adjusted sales prices ranging from \$142,500 to \$188,500 or from \$88.59 to \$139.42 per square foot of living area including land. From this data, the appraiser estimated a value for the subject by the sales comparison approach of \$155,000 or \$50.00 per square foot of living area, including land.

In the final reconciliation comments, the appraiser stated the most weight was given to the sales comparison approach as it reflects the attitudes of buyers and sellers with the cost approach lending support to the upper end of value. The

appraiser then concluded an estimated market value for the subject as of July 18, 2006 of \$155,000.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment to \$48,333 which would reflect an estimated market value of approximately \$145,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of the subject totaling \$64,295 was disclosed. The subject's assessment reflects an estimated market value of \$193,020 or \$62.26 per square foot of living area, including land, using the 2006 three-year median level of assessments for Will County of 33.31%.

The board of review included a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) concerning the sale of the subject property. The declaration indicates the transfer occurred through an executor's deed, the property will not be the buyer's principal residence, but the property was advertised for sale or sold using a real estate agent for full actual consideration of \$145,000.

In support of the subject's assessment, the board of review presented a grid analysis of three comparable sales located less than one mile from the subject and consisting of one-story frame dwellings that were 49 or 55 years old. The board of review also described the subject as a frame dwelling. Two comparables had full unfinished basements and one had a crawl-space foundation. Other features included central air conditioning, two had a fireplace, and each comparable had a garage ranging in size from 476 to 780 square feet of building area. The dwellings range in size from 1,336 to 2,064 square feet of living area. The comparables sold between August 2005 and January 2006 for prices ranging from \$195,000 to \$215,000 or from \$101.70 to \$160.93 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant reiterated that the subject property does not have a basement or garage since the garage was converted to living space. Appellant further notes that the recent purchase price of \$145,000 reflects its value as of January 1, 2006, the date of valuation at issue.

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.

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 contends the subject's assessment should be reduced based on the sale of the subject. The evidence disclosed that the subject sold in August 2006 for a price of \$145,000 or \$46.77 per square foot of living area, including land. The information provided by the appellant indicated the sale had the elements of an arm's-length transaction and the sale occurred only 8 months after the assessment date at issue of January 1, 2006. The Property Tax Appeal Board finds that the board of review's responsive evidence, including the submission of the transfer declaration, did not contest the arm's-length nature of the sale of the subject property.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill. 2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). In light of this holding, the appellant's appraisal and the comparable sales submitted by the board of review were given less weight. Furthermore, the Board finds the comparables suggested by the board of review were all significantly smaller than the subject dwelling and therefore not supportive of the subject's current estimated market value.

The Board finds the best evidence of the subject's fair market value in the record is the August 2006 purchase price of \$145,000. The Property Tax Appeal Board finds the sale was not a transfer between family or related parties; the property was advertised for sale and sold for \$145,000. Based on the foregoing facts, the Property Tax Appeal Board finds the subject's August 2006 sale price of \$145,000 was arm's-length in nature.

The appellant did, however, also report that renovations for a cost of \$10,000 were performed before the appellant occupied the subject property in December 2006. While the appellant invested additional money in the subject property subsequent to the purchase, the Board finds those alterations were not completed until December 2006 and therefore should not be added to the purchase price in terms of establishing the market value of the subject as of January 1, 2006. The Property Tax Appeal Board finds that the purchase price in August 2006 without additional renovations was reflective of the subject's market value on January 1, 2006 before the renovations had been made.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$145,000 on January 1, 2006. The subject's assessment reflects an estimated market value of \$193,020, which is higher than its arm's-length sale price in August 2006. Therefore a reduction is warranted. Since the fair market value of the subject has been established, the Board finds that the 2006 three-year median level of assessment for Will County of 33.31% shall apply.

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.



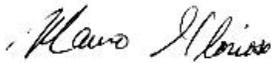
Chairman



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.