



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

APPELLANT: Philip Derkacy
DOCKET NO.: 07-00121.001-R-1
PARCEL NO.: 19-09-18-113-001-0000

The parties of record before the Property Tax Appeal Board are Philip Derkacy, the appellant(s), by attorney Donald T. Rubin, of Rubin & Norris of Chicago; and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$50,439
IMPR: \$200,341
TOTAL: \$250,780

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 0.4278-acre parcel improved with a three year-old, two-story style masonry dwelling that contains 3,704 square feet of living area. Features of the home include central air conditioning, a fireplace, a 779 square foot garage and a full unfinished basement.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process regarding the subject's improvement as the basis of the appeal. In support of the overvaluation argument, the appellant's evidence indicated the subject sold in December 2004 for \$645,500. The appellant claims the subject's 2007 assessment should reflect this sale.

In support of the improvement inequity argument, the appellant submitted a grid analysis of five comparable properties which he claimed were located "within blocks" of the subject. The comparables consist of two-story or part one-story and part two-

story masonry dwellings that range in age from four to eight years and range in size from 3,082 to 3,837 square feet of living area. Features of the comparables include central air conditioning, garages that contain from 727 to 914 square feet of building area and full unfinished basements. Four comparables have a fireplace. These properties have improvement assessments ranging from \$131,637 to \$155,758 or from \$35.65 to \$45.00 per square foot of living area. The subject has an improvement assessment of \$200,341 or \$54.09 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$250,780 was disclosed. The subject has an estimated market value of \$750,838 or \$202.71 per square foot of living area including land, as reflected by its assessment and Will County's 2007 three-year median level of assessments of 33.40%.

The board of review submitted no comparable sales or other evidence to refute the appellant's overvaluation contention. However, the board of review did submit the Real Estate Transfer Declaration documenting the subject's December 2004 sale for \$645,500.

In support of the subject's improvement assessment, the board of review submitted a letter prepared by the township assessor and a grid analysis of four comparables located in close proximity to the subject and in the subject's subdivision known as The Oaks. The comparables consist of two-story brick dwellings that are one or two years old and range in size from 3,565 to 3,927 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 728 to 782 square feet of building area and full unfinished basements. These properties have improvement assessments ranging from \$185,795 to \$224,565 or from \$50.21 to \$58.39 per square foot of living area. The assessor's letter described several errors made on the appellant's comparable grid and also claimed the appellant's comparables were located in the Tall Grass Preserve subdivision approximately 5 miles driving distance from the subject. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted. The appellant first argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The Board finds the appellant based his overvaluation claim on the December 2004 sale of the subject for \$645,500. The Board finds that since this sale occurred more than two years prior to the subject's January 1, 2007 assessment date it does not provide a reliable value indication for the subject. The appellant contends the subject's 2007 assessment should reflect its 2004 sale, but submitted no evidence to suggest the subject had not appreciated in value at all during the period between its sale and the assessment date.

The appellant also argued unequal treatment in the assessment process as a basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

The Board finds the parties submitted nine comparables for its consideration. The Board gave less weight to the appellant's five comparables because they were located a considerable distance from the subject in another subdivision. The Board finds the comparables submitted by the board of review were similar to the subject in terms of design, exterior construction, size, age, location and amenities and had improvement assessments ranging from \$50.21 to \$58.39 per square foot of living area. The subject's improvement assessment of \$54.09 per square foot of living area falls within this range. Therefore, the Board finds the evidence in the record supports the subject's assessment.

In conclusion, the Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence or unequal treatment in the assessment process by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no reduction 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.



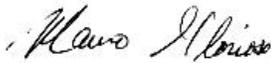
Chairman



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.