



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

APPELLANT: Diane & Bruce Maclean
DOCKET NO.: 07-00125.001-R-1
PARCEL NO.: 07-01-21-408-009-0000

The parties of record before the Property Tax Appeal Board are Diane & Bruce Maclean, the appellants; 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: \$25,560
IMPR.: \$114,635
TOTAL: \$140,195

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a four year-old, two-story style frame dwelling that contains 2,965 square feet of living area. Features of the home include central air conditioning, a fireplace, a three-car garage and a full unfinished basement.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of February 6, 2008. The appraiser, who was not present at the hearing to provide testimony regarding the report's preparation or be cross examined, used only the sales comparison approach to estimate the subject's market value at \$330,000.

The appraiser examined three comparable sales and one property listing that are located 0.14 to 0.48 mile from the subject. The comparables consist of two-story style brick and frame dwellings

that range in age from two to five years and contain 3,267 square feet of living area. Features of the comparables include central air conditioning, two-car or three-car garages and full unfinished basements. The comparable sales were reported to have sold between February and December 2007 for prices ranging from \$303,000 and \$365,460 or from \$92.75 to \$111.86 per square foot of living area including land. The listing was for \$300,000 or \$91.83 per square foot. The appraiser adjusted the comparables for such factors as living area, basement size, condition and garage size. After adjustments, the comparable sales had adjusted sales prices ranging from \$315,100 to \$355,060 or from \$96.45 to \$108.68 per square foot of living area including land. The appraiser also estimated a market value for the listing at \$314,600 or \$96.30 per square foot of living area including land. The appraiser noted in his addendum that the sales comparison approach best "reflects the attitudes of buyers and sellers in today's market place." The report also indicated the appraiser estimated that the subject dwelling contains 3,019 square feet of living area. Based on this evidence, the appellants 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 \$148,648 was disclosed. The subject has an estimated market value of \$464,525 or \$156.67 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 32.00%.

In support of the subject's assessment, the board of review submitted a letter prepared by the township assessor, property record cards and grid analyses detailing a total of eight comparable sales. The comparables consist of two-story style frame or brick and frame dwellings that range in age from one to four years and range in size from 2,904 to 3,592 square feet of living area. Features of the comparables include central air conditioning, two-car or three-car garages and full or partial unfinished basements. The comparables sold between November 2003 and December 2006 for prices ranging from \$316,912 to \$439,510 or from \$104.52 to \$147.76 per square foot of living area including land.

The assessor's letter described a visit to the subject by assessor's office personnel in October 2007 to re-measure the subject's living area. The re-measurement resulted in a revised living area of 2,965 square feet of living area for the subject. The letter stated the appellants refused entry to the basement, so assessment personnel were unable to determine if the basement was full or partial. In light of the refused access, the assessor maintained the subject has a full basement. The appellants provided no reason why they denied access to the basement. Based on this evidence, the board of review requested the subject's assessment be confirmed.

After hearing the testimony 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 property's assessment is warranted. The appellants contend 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellants have met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellants submitted an appraisal of the subject property with an estimate of the subject's market value at \$330,000. The Board finds the report had an effective date of February 6, 2008, more than a year after the subject's January 1, 2007 assessment date. The appraiser was not present at the hearing to provide testimony regarding the report's preparation or be cross examined. Therefore, the Board gave no weight to the appraiser's value conclusion, but will consider the raw sales data in the Board's analysis.

The Board gave no weight to the listing in the appellants' appraisal because, since it had not actually sold, it cannot be relied on to reliably indicate a market value for the subject. The Board also gave less weight to the appellants' comparable #3 because it sold nearly a year after the subject's assessment date. The Board further gave less weight to four of the board of review's comparables because they sold in 2003 or 2004, too long before the subject's assessment date. Finally, the Board gave less weight to the board of review's comparable #5 because it was significantly larger in living area when compared to the subject. The Board finds the appellants' comparables #1 and #2 and the board of review's comparables #4, #6 and #7 were similar to the subject in terms of design, exterior construction, age, size and features and sold for prices ranging from \$106.73 to \$147.76 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$156.67 per square foot, based on its revised living area of 2,965 square feet, falls above this range. Therefore, the Board finds the subject's assessment as a reflection of its estimated market value is excessive and a reduction is warranted. The Board finds the board of review's comparable #4 was most similar to the subject in living area and sold in October 2006, just two months before the subject's assessment date. The Board finds this comparable sale provides the best evidence in the record of the subject's market value. Therefore, the Property Tax Appeal Board finds the subject had a market value of \$438,108. Since market value has been established, the 2007 Will County three-year level of assessments of 32.00% 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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: November 25, 2009

Allen Castrovillari

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.