FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: William & Elizabeth Smith
DOCKET NO.: 07-00182.001-R-1
PARCEL NO.: 07-01-35-301-123-0000

The parties of record before the Property Tax Appeal Board are William & Elizabeth Smith, the appellants, by attorney Philip J. Vacco in Plainfield, 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:	$73,600
IMPR.:	$210,567
TOTAL:	$284,167

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a ten year-old, one-story style frame dwelling that contains 3,837 square feet of living area. Features of the home include central air conditioning, two fireplaces, a four-car garage and a full, walkout-style basement with 1,700 square feet of finished area. The subject is located in Plainfield, Wheatland Township, Will County.

Through their attorney, the appellants appeared before the Property Tax Appeal Board claiming assessment inequity regarding the subject's improvements and overvaluation as the bases of the appeal. The appellants did not contest the subject's land assessment, other than within the overvaluation argument. In support of the improvement inequity argument, the appellants submitted a grid analysis of four comparable properties located within approximately one-half mile of the subject. The comparables consist of one-story style brick and cedar dwellings that range in age from 1.5 to 10 years and range in size from 2,193 to 3,190 square feet of living area. Features of the comparables include central air conditioning, one or two

fireplaces and two-car or three-car garages. The appellants' grid did not indicate basement sizes for all four comparables, but did describe two as having 1,000 and 1,400 square feet of finished area. These properties have improvement assessments ranging from $113,680 to $160,320 or from $49.42 to $60.87 per square foot of living area. The appellants assert that the subject dwelling contains just 2,700 square feet of living area. The subject has an improvement assessment of $210,567 or $54.88 per square foot of living area.[1]

In support of the overvaluation argument, the appellants submitted sales information on the same four comparables used to support their improvement inequity contention. The comparables were reported to have sold between September 2006 and December 2007 for prices ranging from $580,000 to $680,000 or from $206.90 to $310.08 per square foot of living area including land.

In further support of their overvaluation argument, the appellants submitted two appraisals of the subject property that were prepared by William Offerman, who was present at the hearing and provided testimony regarding his report, and James Hebel, who was not present at the hearing. Offerman utilized the cost and sales comparison approaches in estimating a value for the subject of $754,400, as of his report's effective date of August 17, 2007. In the cost approach, Offerman estimated the subject's site value at $287,500, based on a summary of comparable land sales. He used the Marshall Swift Residential Cost Manual to estimate a cost new for the subject improvements at $729,920, from which he subtracted depreciation of $97,298, leaving a depreciated cost of improvements of $632,622. The appraiser estimated site improvements at $89,000 and then added back the site value to derive an estimated value for the subject by the cost approach of $1,009,122.

In the sales comparison approach, Offerman examined three comparable properties located 0.18 to 0.5 mile from the subject. The comparables had lots that range in size from 5,376 to 17,945 square feet of land area and are improved with ranch style brick and cedar-sided homes that range in age from 6 to 10 years and range in size from 2,193 to 3,190 square feet of living area. Features of the homes include central air conditioning, one or two fireplaces, two-car or three-car garages and full or "English" style basements which contain finished areas of unspecified sizes. The comparables were reported to have sold between September 2006 and June 2007 for prices ranging from $655,000 to $680,000 or from $206.90 to $310.08 per square foot

[1] The appellants claim the subject's improvement assessment is $217,530 or $80.56 per square feet of living area, based on their claim the subject has 2,700 square feet of living area, but this is before a reduction in the subject's improvement assessment to $210,567 granted by the board of review, as depicted on the board of review's final decision, which is the basis for this appeal. The board of review contends the subject dwelling contains 3,837 square feet of living area.

of living area including land. The appraiser adjusted the comparables' selling prices for differences when compared to the subject, such as lot size, age, room count and amenities. He made no adjustments for living area differences. After adjustments, the comparables had adjusted sales prices ranging from $677,000 to $741,000 or from $212.23 to $337.89 per square foot of living area including land. Based on this analysis, Offerman estimated the subject's market value by the sales comparison approach at $726,100.

In his reconciliation, Offerman placed 90% of the weight on the sales comparison approach, "because it represents what a ready, willing and able buyer would pay for a similar property".

The appraisal prepared by Hebel estimated the subject's market value at $750,000, as of his report's effective date of December 31, 2007, using the cost and sales comparison approaches. In the cost approach, the appraiser estimated the subject's site value at $275,000, based on sales of vacant lots and/or the extraction method, using sales of improved properties. Hebel consulted the Marshall & Swift Cost Manual supplemented by local builders to estimate the subject's cost new at $482,124, from which he subtracted depreciation of $24,106. He then added back the site value, along with a depreciated cost of improvements of $25,000, resulting in a value for the subject by the cost approach of $758,000. In his notes, the appraiser acknowledged he based the subject's living area estimate of 2,900 square feet on blueprints.

In the sales comparison approach, the appraiser examined sales of three comparable properties located in the subject's subdivision. The comparables consist of two, ranch style homes and one, two-story home. The comparable dwellings were situated on lots ranging in size from 0.19 to 0.44-acre and range in age from 1.5 to 9 years. They have brick or brick and cedar exteriors and contain 2,300 or 4,441 square feet of living area. Features of the comparables include central air conditioning, two or three fireplaces, three-car or four-car garages and walkout style basements that contain approximately 1,000 to 1,620 square feet of finished area. The comparables were reported to have sold between September 2002 and December 2007 for prices ranging from $580,000 to $800,000 or from $180.14 to $295.65 per square foot of living area including land. The appraiser adjusted the comparables' sale prices for differences when compared to the subject, such as location, lot size, view, construction quality, age, room count, living area, basement area, garage size and other amenities. After adjustments, the comparables had adjusted sales prices ranging from $663,500 to $760,500 or from $168.88 to $330.65 per square foot of living area including land. Based on this analysis, the appraiser estimated the subject's market value by the sales comparison approach at $750,000.

In his reconciliation, Hebel indicated he relied most heavily on the market data, or sales comparison approach.

Based on this evidence the appellants requested the subject's assessment be reduced to $250,733, reflecting a market value of approximately $752,200.

During the hearing, Offerman testified he measured the interior living space of the subject dwelling, based on room measurements and blueprints. He acknowledged under cross-examination that he did not measure the exterior dimensions of the home. Offerman also agreed during cross-examination that the subject's estimated market value of approximately $227.00 per square foot of living area including land based on the its assessment if using 3,837 square feet of living area, would be reasonable.

Appellant William Smith testified Hebel estimated the subject dwelling contains 2,900 square feet of living area, but under cross-examination, acknowledged he did not see Hebel measuring the home and did not know how the subject's living area was calculated. Smith also acknowledged he did not know if the architect's blueprints included interior and exterior dimensions.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of $284,167 was disclosed. The subject has an estimated market value of approximately $850,799 or $221.74 per square foot of living area including land, as reflected by its assessment and the Will County 2007 three-year median level of assessments of 33.40%.

In support of the subject's assessment, the board of review submitted a letter prepared by the township assessor, several exhibits and the subject's property record card, along with property record cards and a grid analysis of three comparable properties located in the same neighborhood code as the subject, as determined by the township assessor. The board of review's Exhibit A, a letter dated October 1, 2007 to a member of the board of review, describes the subject's subdivision as "very unique". The letter also stated "Our policy is that if there is a square footage discrepancy that our field inspectors are to re measure the property to ensure that the homes are all measured in the same fashion throughout the township." The letter also stated "It is our practice to not make adjustments off of blueprints or appraisals." The letter requested that the assessor's office "be allowed to comply with this policy and re measure this home" (the subject dwelling).

The board of review's evidence also included a copy of the assessor's February 25, 2008 letter to the appellants requesting opportunity to re-measure the subject's living area. The letter stated "Please be advised that this letter is being sent in accordance with Section 1910.94 of the Property Tax Appeal Board Rules."

The subject's property record card includes a detailed drawing with exterior dimensions that indicates the subject contains 3,837 square feet of living area. The board of review's comparables consist of two, one-story ranch style homes and one,

two-story home. The comparables have land assessments of $73,600, identical to the subject. The frame-constructed dwellings were built between 1997 and 2001 and range in size from 2,645 to 3,440 square feet of living area. Features of the comparables include central air conditioning, a fireplace, three-car garages and full or partial basements, one of which has 1,512 square feet of finished area. These properties have improvement assessments ranging from $151,230 to $198,560 or from $49.22 to $73.81 per square foot of living area. The subject has an improvement assessment of $56.69 per square foot, based on a living area of 3,837 square feet as depicted on the subject's property record card.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted sales information on two of the comparables used to support the subject's assessment based on uniformity. The comparables sold in October 2005 and December 2006 for prices of $955,000 and $1,165,000, or $361.05 and $433.08 per square foot of living area including land, respectively. The board of review's evidence also included a list of six sales of custom ranch style homes in the subject's L05 assessment neighborhood. The list did not disclose the exterior construction, foundation type, or other descriptive information, but the homes had lake locations like the subject, range in size from 2,645 to 3,189 square feet of living area and sold between January 2004 and December 2006 for prices ranging from $620,000 to $1,165,000 or from $206.96 to $433.09 per square foot of living area including land. The assessor indicated two of the sales were not arm's-length transactions, as they involved trust sales between family members.

Regarding the appellants' appraisals, the township assessor's letter asserted Offerman's appraisal included comparables that were significantly smaller than the subject dwelling because of its disputed living area. The letter stated that Hebel's appraisal utilized two comparables from a different assessment neighborhood from the subject. This different neighborhood includes non-custom homes and "therefore sales GREATLY differ from the custom homes (emphasis in original)." The letter also notes the third comparable used by Hebel is a two-story home, dissimilar to the subject's one-story design. Based on this evidence, the board of review requested the subject's assessment be confirmed.

During the hearing, the board of review's representative called Wheatland Township assessor Kelli Lord as a witness. Lord testified her office requested the appellants allow an opportunity to re-measure the subject dwelling to verify its living area, but were rebuffed. After the appellants' board of review hearing, the board ordered the subject be re-measured and again, the assessor's office requested access to the subject property, but was denied access to the property. The witness also testified the subject's living area as depicted on its property record card utilized exterior dimensions, as is done for

all properties within the jurisdiction, and that interior room measurements, such as used by Offerman, were never relied on to determine living area. Lord testified she was not willing to revise the subject's living area without an opportunity to re-measure the home.

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 that a reduction in the subject's assessment is not warranted.

The appellants' first argument was unequal treatment in the assessment process. 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 appellants have not met this burden.

The Board first finds a central component of this appeal is the parties' dispute over the subject dwelling's living area. Offerman acknowledged he did not measure the subject's exterior dimensions, but instead used interior room measurements in his determination that the subject contains 2,700 square feet of living area. Hebel's report indicated he used blueprints to estimate 2,900 square feet. Neither appraiser used exterior dimensions to estimate the subject's living area. Lord testified the assessor's office has a policy of not changing a dwelling's living area without opportunity to re-measure such dwelling. The subject's property record card includes a drawing with detailed measurements that indicates the subject contains 3,837 square feet of living area. The record disclosed that the assessor's office requested the appellants allow its personnel to re-measure the subject dwelling both before and after the appellants' board of review hearing. Both requests were denied, per Lord's testimony. The assessor's letter to the appellants of February 25, 2008 cited Property Tax Appeal Board Rule 1910.94, which concerns denial by a taxpayer or property owner of a request to inspect a subject property. This rule states in relevant part:

> No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the taxpayer of property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to

> physically inspect and examine the property for valuation purposes. (86 Ill.Admin.Code, §1910.94(a)).

The Property Tax Appeal Board finds the assessor's office notified the appellants it was invoking the Board's Rule 1910.94(a) in its February 25, 2008 letter to the appellants. Therefore, the Board gives reduced weight to the appellants' living area argument, buttressed by the living area estimates of Offerman and Hebel of 2,700 and 2,900 square feet, respectively. The Board finds the best evidence of the subject's living area is found in the drawing with detailed measurements depicted on the subject's property record card submitted by the board of review. Thus, the Board finds the subject dwelling contains 3,837 square feet of living area.

With the subject's living area established, the Board next turns to the appellants' inequity contention. The parties submitted seven equity comparables for the Board's consideration. The Board finds the appellants' comparables #1, #2 and #4 and the board of review's comparables #1 and #2 were more than 1,100 square feet smaller than the subject and were given less weight for this reason. The Board also gave less weight to the board of review's comparable #3 because its two-story design differed from the subject's ranch style. The only remaining comparable, appellants' comparable #3, is also somewhat smaller than the subject with just 3,190 square feet of living area, but is similar to the subject in age and most features. It has an improvement assessment of $50.26 per square foot of living area, while the subject has an improvement assessment, based on 3,837 square feet of living area, of $54.88 per square feet of living area. Notwithstanding this disparity, the Property Tax Appeal Board finds one comparable is insufficient to demonstrate a consistent pattern of inequity in the subject's neighborhood by clear and convincing evidence. Finally, the Board finds the subject's improvement assessment falls within the range of the appellants' own comparables, based on the subject's living area of 3,837 square feet.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

The appellants also 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 appellants have failed to meet this burden.

The Board finds the appellants submitted two appraisals, as well as four additional comparable sales in support of their overvaluation contention, while the board of review submitted two comparable sales on its grid, along with a list of six sales of ranch style homes in the subject's L05 neighborhood. The Board gave little weight to Offerman's estimate of value for the subject because his sales comparison approach used comparables that were smaller than the subject in living area by 647 to 1,327 square feet. The Board finds the appraiser made no adjustment to the comparables for these significant living area differences, but instead adjusted them for room count, along with other factors. The Board also finds Offerman's cost approach value estimate for the subject of $1,009,122 is vastly different than his sales comparison approach's estimate for the subject of $726,100. Notwithstanding the appraiser's primary reliance on the sales comparison approach, the Board finds this disparity was not explained and calls into question the comparability of his comparables to the subject, over and above the living area difference. Based on this analysis, the Board gave less weight to Offerman's appraisal.

The Board gave no weight to Hebel's conclusion of value because he was not present to testify or be cross-examined regarding the preparation of his report. While the Board will consider the raw sales information in Hebel's market approach, the Board finds his comparables also differed significantly in size when compared to the subject. Also, Hebel's comparable #3 is a two-story home, dissimilar to the subject. Two of Hebel's comparables were in a different assessment neighborhood than the subject's neighborhood. According to the township assessor's letter, the non-custom designs of Hebel's comparables differ greatly from the subject's neighborhood comprised of custom homes. For these reasons, the Board gave little weight to Hebel's comparables.

Regarding the comparable sales submitted by the parties, the Board gave less weight to the appellants' comparables #1, #2 and #4 and the board of review's three grid comparables because they differed significantly in size or design when compared to the subject. The only adequately described comparable sale in this record that at least approaches the subject in living area, is the appellants' comparable #3. However, the Board finds, as in the equity analysis above, that one comparable is insufficient to establish by a preponderance of the evidence that the subject's assessment is not reflective of its market value. The Board further finds the board of review also submitted a list of six sales of ranch style homes in the subject's L05 assessment neighborhood of custom homes. While these comparables lacked some descriptive information, the homes had lake locations like the subject, range in size from 2,645 to 3,189 square feet of

living area and sold for prices ranging from $620,000 to $1,165,000 or from $206.96 to $433.09 per square foot of living area including land. The assessor indicated two of the sales were not arm's-length transactions, as they involved trust sales between family members. While the remaining four comparables were smaller in living area when compared to the subject, they sold for prices ranging from $267.96 to $433.09 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of $221.74 per square foot of living area including land based on 3,837 square feet of living area falls below this range.

In conclusion, the Board finds the appellants have failed to prove inequity by clear and convincing evidence or overvaluation by a preponderance of the 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: February 18, 2011

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.