

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Francis Bennick
DOCKET NO.: 07-00286.001-R-1
PARCEL NO.: 07-01-11-101-022-0000

The parties of record before the Property Tax Appeal Board are Francis Bennick, the appellant, and the Will County Board of Review.

The subject property consists of a two-story frame dwelling containing 2,576 square feet of living area that was built in 1991. Features include a full basement, central air conditioning, a fireplace and a 435 square foot attached garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this contention, the appellant submitted a letter explaining the appeal, a grid analysis detailing four suggested comparable sales, and photographs of the subject and comparable properties. The appellant's letter indicated the comparable properties are located along Frost Drive, like the subject, or Brossman Street, within one block of the subject. The appellant claimed the subject and comparables are located on the perimeter of the subdivision, which are influenced by noisy and busy Book Road. The appellant argued properties located in the interior parts of the subdivision are more valuable due to their location.

The comparables consist of two-story frame dwellings that were built from 1991 to 1993. The comparables have partial basements, a fireplace, and 435 to 500 square foot attached garages. The dwellings range in size from 2,405 to 3,200 square feet of living area. They sold for prices ranging from \$397,000 to \$410,500 or from \$124.06 to \$166.32 per square foot of living area including land. The transactions occurred from March 2005 to March 2006.

The appellant argued the subject's 2007 assessment increased by 13% from the 2006 assessment year. The appellant argued the extreme increase does not follow the trend of sale prices of homes on the subject's street. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$140,200, which reflects an estimated market value of

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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:	\$	45,210
IMPR.:	\$	94,990
TOTAL:	\$	140,200

Subject only to the State multiplier as applicable.

approximately \$420,600 or \$163.28 per square foot of living area including land

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$154,610 was disclosed. The subject's assessment reflects an estimated market value of \$484,094 or \$187.92 per square foot of living area including land using Will County's 2007 three-year median level of assessments of 32.00% as calculated by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted property record cards and several spreadsheets detailing 16 suggested comparable sales, including the four properties used by the appellant. Eleven of the comparables are located in close proximity to the subject on Frost Drive or Brossman Street, which are located in the perimeter of the subdivision. Five comparables are located near the interior of the subdivision. The comparables consist of two-story frame dwellings that were built from 1990 to 1994. The comparables contain full or partial basements, central air conditioning and two-car attached garages. Twelve comparables have a fireplace. The dwellings range in size from 2,405 to 3,200 square feet of living area. The comparables sold for prices ranging from \$365,000 to \$483,500 or from \$124.06 to \$185.96 per square foot of living area including land. The transactions occurred from July 2004 to May 2007. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Property Tax Appeal Board finds the parties submitted 16 suggested comparable sales for consideration, with four comparables common to both parties. They sold for prices ranging from \$365,000 to \$483,500 or from \$124.06 to \$185.96 per square foot of living area. The subject's assessment reflects an estimated market value of \$484,094 or \$187.92 per square foot of living area including land, which falls above the range established by these sales.

The Property Tax Appeal Board further finds four comparable sales are most representative of the subject in size, age, style, and features. Additionally, these most similar comparables are

located on Frost Drive or Brossman Street, which are in close proximity to the subject near the perimeter of the subdivision. The appellant argued the homes located on the perimeter of the subdivision are influenced by noisy and busy Book Road. The appellant argued homes located in the interior sections of the subdivision are more valuable due to their location. The Board finds this point of contention was not refuted or even addressed in the board of review's response to this appeal. These most similar comparables sold from March 2006 to May 2007 for prices ranging from \$370,000 to \$454,000 or from \$137.29 to \$174.21 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$484,094 or \$187.92 per square foot of living area including land. The Board finds the subject's estimated market value is higher than the most similar comparables contained in this record. After considering adjustments to these comparables for any differences when compared to the subject, the Board finds a reduction in the subject's assessed valuation is warranted.

The Board gave less weight to 12 comparables submitted by the parties. Nine sales occurred in either 2004 or 2005, which is considered less indicative of the subject's fair market value as of the January 1, 2007, assessment date at issue in this appeal. Additionally, the Board gave less weight to five comparables submitted by the board of review due to their dissimilar location within the subject's subdivision.

Based on this analysis, the Property Tax Appeal Board finds the appellant has demonstrated the subject property is overvalued by a preponderance of the evidence. Therefore, the Property Tax Appeal Board finds the subject's assessment as established by the Will County Board of Review is incorrect and a 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.



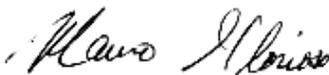
Chairman



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: July 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.