

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: David P. Saunders
DOCKET NO.: 07-00289.001-R-1
PARCEL NO.: 19-09-29-105-020-0000

The parties of record before the Property Tax Appeal Board are David P. Saunders, the appellant; and the Will County Board of Review.

The subject property consists of a .3310-acre parcel that is improved with a two year-old, one-story style brick dwelling that contains 2,685 square feet of living area. Features of the home include central air conditioning, a fireplace, a 783 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 land and improvements as the bases of the appeal.

In support of the overvaluation argument, the appellant submitted sales information on five comparable properties. The comparable sales consist of one-story style brick dwellings that range in age from one to three years and range in size from 2,548 to 2,858 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 696 to 1,033 square feet of building area and full or partial unfinished basements. The comparables sold between March 2005 and September 2006 for prices ranging from \$398,101 to \$461,693 or from \$148.11 to \$181.20 per square foot of living area including land.

In support of the inequity argument regarding the subject's land assessment, the appellant submitted information on six comparables. The appellant reported the six comparable lots range in size from .3124 to .4228 acre and had land assessments ranging from \$23,841 to \$45,081 or from \$62,476 to \$109,079 per acre. The subject has a land assessment of \$26,422 or \$79,825 per acre.

(Continued on Next Page)

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:	\$	26,422
IMPR.:	\$	116,778
TOTAL:	\$	143,200

Subject only to the State multiplier as applicable.

In support of the improvement inequity argument, the appellant submitted data on the same six comparables used to support the land inequity contention. The comparables are improved with one-story style brick dwellings that range in age from one to three years and range in size from 2,548 to 2,858 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 696 to 1,033 square feet of building area and full or partial unfinished basements. These properties have improvement assessments ranging from \$106,420 to \$130,810 or from \$37.24 to \$48.32 per square foot of living area. The subject has an improvement assessment of \$133,745 or \$49.81 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$160,167 was disclosed. The subject has an estimated market value of \$500,522 or \$186.41 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%.

The board of review submitted no comparable sales or other market evidence to refute the appellant's overvaluation argument.

In support of the subject's land and improvement assessments, the board of review submitted property record cards and a grid analysis of seven comparable properties located in the subject's subdivision. The board of review's comparables had lot sizes that range from .3226 to .5676 acre and had land assessments ranging from \$26,123 to \$30,714 or from \$46,024 to \$84,986 per acre. These comparables were improved with one-story style brick dwellings that range in age from two to four years and range in size from 2,522 to 3,249 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 769 to 1,033 square feet of building area and full unfinished basements. These properties have improvement assessments ranging from \$127,236 to \$149,454 or from \$46.00 to \$52.87 per square foot of living area.

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 property's assessment is warranted. The appellant contends 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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted five comparable sales for its consideration, but the board of review submitted no comparable sales or other market information in support of the

subject's estimated market value as reflected by its assessment. The appellant's comparable sales were similar to the subject in terms of style, exterior construction, age, size and features. These properties sold for prices ranging from \$148.11 to \$181.20 per square foot of living area including land. The subject's estimated market value of \$186.41 per square foot of living area including land as reflected by its assessment is not supported by the only comparable sales in the record. The Board finds the appellant has met his burden of proving overvaluation by a preponderance of the evidence and therefore, a reduction in the subject's assessment is warranted.

The appellant also argued assessment inequity regarding the subject's land and improvements 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.

Regarding the land inequity contention, the Board finds the parties submitted 13 comparables. The Board gave less weight to the appellant's land comparable two and the board of review's comparable six because these properties were significantly larger in land area when compared to the subject. The remaining comparables were similar to the subject in size and had land assessments ranging from \$62,476 to \$109,079 per acre. The subject's land assessment of \$79,825 per acre falls within this range. Therefore, the Board finds the evidence in the record supports the subject's land assessment.

Regarding the improvement inequity contention, the Board finds the parties submitted 13 comparables. While all the properties were similar to the subject in terms of style, exterior construction, age and features, the board of review's comparables six and seven were larger in living area when compared to the subject. For this reason, these comparables were given less weight in the Board's analysis. The remaining eleven comparables had improvement assessments ranging from \$37.24 to \$52.87 per square foot of living area. The subject's revised improvement assessment of \$43.49 per square foot resulting from the appellant's successful overvaluation argument falls at the lower end of this range. Therefore, the Board finds no further reduction in the subject's assessment beyond that granted pursuant to the overvaluation reduction detailed above 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.



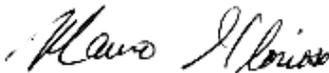
Chairman



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.