



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

APPELLANT: John & Cynthia Westerman
DOCKET NO.: 07-00292.001-R-1
PARCEL NO.: 23-15-08-425-034-0000

The parties of record before the Property Tax Appeal Board are John & Cynthia Westerman, the appellants, 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: \$20,137
IMPR.: \$83,521
TOTAL: \$103,658

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 41,186 square feet has been improved with a 17-year-old, two story frame single-family dwelling. The home contains 2,696 square feet of living area and features a partial unfinished basement of 1,217 square feet, central air conditioning, a fireplace, and an attached two-car garage. The property also features an "expansive" rear deck and a side deck. The property is located in Crete, Crete Township, Will County.

The appellants contend that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. In support of the market value argument, the appellants submitted a grid analysis of five sales comparables and an appraisal. The grid analysis utilized Sales #1, #2 and #3 from the appraisal and added comparables #4 and #5.

Helene Marx, a certified real estate appraiser, as supervised by Steven S. Albert, MAI, SRA appraiser, used the sales comparison approach to value concluding an estimated market value of \$265,000 for the subject property as of January 1, 2007. The

appraiser prepared a Restricted Use report which provided the subject property's description that has been utilized in this decision.

Under the sales comparison approach, the appraiser used sales of three comparable homes located between .07 and .26-miles from the subject. The comparables consist of slightly smaller parcels that have been improved with a "step ranch" and two, two-story frame or brick and frame dwellings that were 14 to 18 years old. The comparables ranged in size from 1,569 to 2,279 square feet of living area and featured full or partial basements, two of which were finished as recreation rooms. The comparables had central air conditioning, a fireplace, and a two-car garage. Each comparable also had a patio and one comparable also had a porch. The comparables sold between February and September 2006 for prices ranging from \$227,500 to \$299,000 or from \$131.20 to \$145.000 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for financing, land area, exterior construction, room count, living area, basement size, basement finish, lack of decks, and "updating." This analysis resulted in adjusted sales prices for the comparables ranging from \$255,000 to \$270,600 or from \$116.64 to \$162.52 per square foot of living area including land. From this process, the appraiser estimated a value for the subject by the market approach of \$265,000 or \$98.29 per square foot of living area including land.

In the grid analysis, appellants described comparables #4 and #5 as parcels of 44,160 and 12,540 square feet of land, respectively, which were located .1 and .15-mile from the subject. The parcels were improved with a one-story and a two-story frame dwelling of 15 and 18 years of age. The comparables contained 1,878 and 2,731 square feet of living area; one comparable has a full basement with 1,000 square feet of finished area. Both comparables have central air conditioning, one or two fireplaces, and a two-car garage along with a porch and a patio or deck. The comparables sold in October 2006 and May 2007 for \$206,500 and \$235,000 or for \$75.61 and \$125.13 per square foot of living area, land included, respectively.

Based on this evidence, the appellants requested a reduction in the subject's assessment to \$89,760 which would reflect a market value of approximately \$269,280 or \$99.88 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$103,658 was disclosed. The subject's assessment reflects an estimated market value of \$310,353 or \$115.12 per square foot of living area, land included, using the 2007 three-year median level of assessments for Will County of 33.40%.

The board of review also submitted a letter and an equity grid analysis of the "subject" and three comparable, properties

although the subject described has a different parcel number, address and description than the subject property of this appeal.¹ Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, the appellants responded to the board of review's evidence that was erroneously presented in this matter.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellants argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has not been met and a reduction in the subject's assessment is not warranted.

The Board finds the appellants submitted an appraisal of the subject property and two additional sales comparables. The Board has given less weight to comparable #4 due to its one-story design when compared to the subject's two-story design and the fact that the dwelling was significantly smaller than the subject in living area. The Board further finds that the final value conclusion of the appraiser of \$265,000 or \$98.29 per square foot of living area, land included, is not supported by the adjusted sales prices determined by the appraiser. In the appraisal process utilizing the sales comparison approach, the appraiser chooses the best comparable sales available and adjusts them for differences from the subject property. In this appraisal, the appraiser made adjustments resulting in adjusted sales prices ranging from \$116.64 to \$162.52 per square foot of living area, land included, but then the appraiser inexplicably concluded an estimated market value for the subject of \$98.29 per square foot of living area, land included, which is substantially less than the range of the adjusted sales prices.

Based on the foregoing analysis of the appraisal, the Board finds that the final opinion of value presented by the appellants is not reliable and therefore the three sales from the appraisal along with comparable #5 will be examined. The Board further finds that less weight can be placed on Sale #2 from the appraisal due to its substantially smaller dwelling size of only

¹ A brief review of the data revealed that the information submitted by the board of review belonged to another appeal pending before the Property Tax Appeal Board as Docket No. 07-00187.001-R-1. Furthermore, it appears that evidence potentially responsive to this appeal was mistakenly submitted by the Will County Board of Review in Docket No. 07-00187.001-R-1.

1,569 square feet as compared to the subject dwelling of 2,696 square feet. Therefore, the Board finds the appraisal Sales #1 and #3 along with appellants' comparable #5 were most similar to the subject in size, design, exterior construction, features and/or age. These comparables sold for prices ranging from \$75.61 to \$133.26 per square foot of living area, land included. The subject's estimated market value as reflected by its assessment of \$310,353 or \$115.12 per square foot of living area falls within this range and appears to be supported by the most similar comparables.

Appellants' comparable #5, while similar to the subject in many respects, lacks a basement which makes it inferior to the subject dwelling that has a basement. Sales #1 and #3 in the appraisal both have finished basements making them superior to the subject dwelling which has an unfinished basement. After considering the most comparable sales on this record along with adjustments and differences in both parties' comparables when compared to the subject, the Board finds the appellants did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted on this record.

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: August 20, 2010

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.