



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

APPELLANT: John & Cassandra Spaccapaniccia
DOCKET NO.: 08-00218.001-R-1
PARCEL NO.: 12-02-09-104-026-0000

The parties of record before the Property Tax Appeal Board are John & Cassandra Spaccapaniccia, 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: \$39,700
IMPR: \$99,200
TOTAL: \$138,900

Subject only to the State multiplier as applicable.

ANALYSIS

The subject 10,045 square foot parcel is improved with a 4-year-old, two-story frame single-family dwelling containing 3,454 square feet of living area. Features include a full unfinished walkout basement, central air conditioning, and an attached three-car garage. The property is located in Bolingbrook, DuPage Township, Will County.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. The appellants also reported that the subject property was purchased in November 2004 for \$395,500. In support of their overvaluation claim, the appellants presented an argument that the DuPage Township Assessor issued a 'blanket increase of 10% in the assessed home values over the entire subdivision.' Appellants contend, however, that values and sale prices have decreased by up to 30% over the past year in the subject's neighborhood.

In further support of the overvaluation argument, the appellants submitted a two-page grid analysis of seven comparable sales and/or listings located $\frac{1}{4}$ or $\frac{1}{2}$ -mile from the subject. Six of the

comparables consist of parcels ranging in size from 9,975 to 13,500 square feet of land area; there is no land size data for comparable #7. Each comparable is improved with a two-story frame, masonry or frame and masonry dwelling that ranges in age from 4 to 6 years old. The dwellings contain from 3,399 to 3,988 square feet of living area. Features include full basements, four of which are full or partially finished, central air conditioning, and three-car garages. Four comparables have a fireplace. Five of the comparables sold between July 2008 and February 2009 for prices ranging from \$287,500 to \$372,000 or from \$73.72 to \$107.70 per square foot of living area including land. Comparables #5 and #6 were listing on the market for \$369,900 and \$379,900, respectively, or \$92.75 and \$108.54 per square foot of living area including land, respectively.

The appellants also provided a screen print from an internet website known as Zillow.com which reportedly valued the subject property at \$351,500 as of an unknown date.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$138,900 which reportedly was the 2007 assessment of the subject. This reduced assessment would reflect a market value of approximately \$416,700.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$151,600 was disclosed. The subject's assessment reflects an estimated market value of \$456,077 or \$132.04 per square foot of living area including land using Will County's 2008 three-year median level of assessments of 33.24%.

In support of the subject's assessment, the board of review submitted an analysis of three comparable sales. The data included the parcel number, "type," elevation, size, a brief description of 'extras,' garage data, assessment data, sale date and price, and comments. Board of review comparable #1 is appellants' listing #5 and board of review comparable #2 is appellants' comparable #7. As noted in the board of review's data, the subject is said to be a Haverford type as are board of review comparables #2 and #3. Comparable #1 has a 'stone face' and comparable #3 has a 'brick face.' The comparables contain either 3,454 or 3,888 square feet of living area. Each comparable has a basement with one being a walkout and one being a 'lookout.' Each comparable has a fireplace and a three-car garage. These three comparables sold between January 2006 and January 2007 for prices ranging from \$425,000 to \$495,000 or from \$123.05 to \$143.31 per square foot of living area including land.

The board of review also submitted other documents that were not explained. One document lists 18 parcel numbers, assessments, sale prices, dates of sale and presumably a calculation of the difference between the assessed value and sale price. However, there is no descriptive information for any of these properties in order to analyze whether they are similar in age, size, exterior construction, design, foundation and/or features to the

subject dwelling. Next the board of review submitted four pages divided by model that were not explained.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants noted the board of review's sales occurred no later than January 1, 2007. Appellants also submitted data on two additional sales that occurred in April and December 2007 which were not previously presented. Based on the foregoing additional evidence, appellants maintain that the subject's estimated value is excessive. Appellants further reported in their rebuttal letter that the 2009 assessment of the subject property has been reduced to the 2007 assessment level.

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's assessment is warranted.

Pursuant to the Official Rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code Sec. 1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code Sec. 1910.66(c)). In light of these Rules, the Property Tax Appeal Board has not considered the two additional sales submitted by appellants in conjunction with their rebuttal argument.

The appellants 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). After an analysis of the evidence, the Board finds the appellants have overcome this burden.

The record contains eight suggested comparable sales for the Board's consideration. The Property Tax Appeal Board has given less weight to board of review comparable #3 due to its sale date of September 2006, which is most distant to the valuation date at issued of January 1, 2008. Likewise, the Board has given less weight to board of review's comparable #2 with a sale date of January 2006 as compared to the appellants' reported sale date for this property as their comparable #7 from August 2008 which is more proximate in time to the assessment date at issue. The Board has also given less weight to appellants' comparable #5 (a listing of unknown date) and board of review comparable #1 due to differences in dwelling size and the uncertainty of the listing price reported by the appellants.

The Property Tax Appeal Board finds appellants' comparables #1, #2, #3 and #7 were more similar to the subject in design, age, size, and/or features. They sold for prices ranging from

\$330,000 to \$372,000 or from \$95.55 to \$107.70 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$456,077 or \$132.04 per square foot of living area including land which is higher than the most similar comparables on this record. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is not supported and a reduction in accordance with the appellants' request 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

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: April 22, 2011

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.