



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

APPELLANT: Robert Neubauer
DOCKET NO.: 08-00298.001-R-1
PARCEL NO.: 21-14-02-208-015-0000

The parties of record before the Property Tax Appeal Board are Robert Neubauer, the appellant, 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: \$8,400
IMPR.: \$24,900
TOTAL: \$33,300

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 6,400 square feet is improved with a 55-year-old, one-story single-family frame and masonry dwelling. The home contains 957 square feet of living area and has a concrete slab foundation along with a detached one-car garage. The property is located in Park Forest, Monee Township, Will County.

In support of this overvaluation complaint, the appellant filed an appraisal with the Property Tax Appeal Board. In addition, the appellant filed a letter along with "Exhibit B" consisting of nine comparables previously presented by the assessor to the appellant in support of the assessment. This submission and argument regarding those nine comparables will be addressed in the rebuttal portion of this decision.

The appellant's appraisal states that it was intended for a refinance transaction. The appraiser described the subject parcel as containing 6,600 square feet and the dwelling as containing 968 square feet of living area. The appraiser also reported the property was used as a rental dwelling with "little

modernization done to the subject property." The appraisal provides an estimated market value as of February 19, 2008 of \$84,000 or \$87.77 per square foot of living area including land given an actual dwelling size of 957 square feet of living area.

In a supplemental addendum, the appraiser noted that three additional comparables were prepared "per the owners request" for tax assessment purposes. The appraiser stated for mortgage purposes like two-bedroom ranch homes without basements were used, but those were primarily from the Cook County section of Park Forest, even though they were within a few blocks of the subject property. The three additional sales provided were from the Will County section of Park Forest and provide "for a lower indicated market value of \$82,500" with most emphasis on comparable #7. This estimate of value for the subject results in a market value of \$86.21 per square foot of living area including land.

In the cost approach to value, the appraiser opined a site value for the subject of \$30,000. Then costs to replace the dwelling and garage were estimated to be \$79,992. The appraiser then deducted physical depreciation of \$26,397 for a depreciated cost of the improvements of \$53,595. The value of site improvements of \$4,000 was added to the depreciated cost of improvements plus the land value estimate for a total value under the cost approach of \$87,595.

For the original sales comparison approach to value, the appraiser set forth four sales and one active listing as comparables which were located from .06 to .65-miles from the subject. The parcels ranged in size from 7,200 to 9,760 square feet of land area. Each was improved with a one-story frame and masonry dwelling ranging in age from 51 to 56 years old. The homes ranged in size from 949 to 1,092 square feet of living area and had concrete slab foundations and one-car or two-car garages. One comparable also had central air conditioning. Three comparables had 'upgrades' noted of kitchen and bath; bath; and 'many.' The sales occurred from May to August 2007 for prices ranging from \$87,000 to \$94,000 or from \$86.08 to \$92.20 per square foot of living area including land. The listing was for \$96,000 or \$98.56 per square foot of living area including land.

The appraiser made adjustments to the comparable sales for sales or financing concessions and differences in lot size, air conditioning, and upgrades. After adjustments, the appraiser concluded adjusted sale prices for the comparables ranging from \$80,000 to \$90,500. The appraiser then concluded an estimated fair market value of the subject of \$84,000 in the sales comparison approach.

As noted above, the appraiser provided three additional sales to support his conclusion in the addendum of a value of \$82,500. These sales were of parcels that ranged in size from 6,250 to 7,200 square feet of land area. Each was improved with a one-story frame and masonry dwelling with a concrete slab foundation.

The dwellings ranged in size from 974 to 1,304 square feet of living area and features central air conditioning and 'upgrades' of bath or kitchen and bath. Two comparables had one-car and two-car garages, respectively. These properties sold from November 2005 to August 2006 for prices ranging from \$87,000 to \$95,000 or from \$72.85 to \$89.32 per square foot of living area. To these comparables, the appraiser noted adjustments for dwelling size, air conditioning, lack of a garage, and upgrades to arrive at adjusted sale prices ranging from \$79,500 to \$85,100 or from \$63.50 to \$81.62 per square foot of living area.

Based on this evidence, the appellant requested a total assessment of \$28,000 which would reflect a market value of approximately \$84,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$33,300 was disclosed. The final assessment of the subject property reflects a market value of approximately \$100,181 or \$104.68 per square foot of living area including land using the 2008 three-year median level of assessments for Will County of 33.24% as determined by the Illinois Department of Revenue.

The board of review submitted a letter from the Monee Township Assessor's Office and a three-page grid analysis of nine comparables, eight of which included sales data. In the letter, the assessor noted the median sale price was \$125,700 and the subject's estimated market value was substantially below that median price.

The eight comparable sales were each of slightly larger parcels than the subject parcel. Each parcel was improved with a one-story frame dwelling that was built between 1954 and 1957. Each comparable has a concrete slab foundation. The dwellings contain either 1,087 or 1,092 square feet of living area. Only one comparable was clearly stated as having central air conditioning and six comparables have garages. These eight comparables sold between May and December 2007 for prices ranging from \$122,500 to \$137,500 or from \$112.18 to \$126.49 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Additional documentation initially submitted by the appellant has been treated as rebuttal as it addresses the nine comparables presented by the board of review in response to this appeal.¹ The appellant argued in a letter the various differences in the number of bedrooms, features, and/or updates of the eight board of review sale comparables based on copies of Multiple Listing Service (MLS) sheets for those properties. Appellant also reports that board of review comparable #1 was listed for sale in late 2007 until mid-2008 for \$96,000, but did not sell despite numerous updates as reported in the MLS sheet.

¹ Presumably, the board of review has relied herein upon the same data that was presented at the local board of review hearing.

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

The appellant 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.65(c). 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 appellant submitted an appraisal of the subject property with two different final value conclusions of \$84,000 and \$82,500, for mortgage financing and tax assessment appeal purposes. The board of review submitted comparable sales data in support of the subject's assessment reflecting sales from May and December 2007 for prices ranging from \$122,500 to \$137,500 or from \$112.18 to \$126.49 per square foot of living area including land. The final assessment of the subject property reflects a market value of approximately \$100,181 or \$104.68 per square foot of living area including land using the 2008 three-year median level of assessments for Will County of 33.24%.

The Property Tax Appeal Board finds that the appellant's appraiser was assigned the task of determining the fee simple value of the subject property. The Board also finds that regardless of the purpose of the appraisal, the property rights being appraised did not change. Therefore, the Board finds that the appellant's appraisal lacks credibility given the differing fee simple value conclusions drawn by the appraiser for mortgage financing versus for tax assessment appeal purposes. Since the appraisal has diminished credibility, the Board finds that the unadjusted sales presented in the appraisal and the sales presented by the board of review present a range of sale prices from \$87,000 to \$137,500. The subject's estimated market value of \$100,181 is at the lower end of that range. 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 supported 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.

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.