FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: T.J. Cachey Builders, Inc. II
DOCKET NO.: 08-00301.001-R-2 through 08-00301.017-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are T.J. Cachey Builders, Inc. II, the appellant, by attorney Kevin B. Hynes of O'Keefe Lyons & Hynes, LLC, in Chicago, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-00301.001-R-2	15-08-33-401-006-0000	25,000	0	$25,000
08-00301.002-R-2	15-08-33-403-016-0000	25,000	0	$25,000
08-00301.003-R-2	15-08-33-403-021-0000	25,000	0	$25,000
08-00301.004-R-2	15-08-33-403-024-0000	25,000	0	$25,000
08-00301.005-R-2	15-08-33-403-025-0000	25,000	0	$25,000
08-00301.006-R-2	15-08-33-404-018-0000	25,000	0	$25,000
08-00301.007-R-2	15-08-33-404-019-0000	25,000	0	$25,000
08-00301.008-R-2	15-08-33-405-014-0000	25,000	0	$25,000
08-00301.009-R-2	15-08-33-406-005-0000	25,000	0	$25,000
08-00301.010-R-2	15-08-33-406-012-0000	25,000	0	$25,000
08-00301.011-R-2	15-08-33-406-016-0000	25,000	0	$25,000
08-00301.012-R-2	15-08-33-406-019-0000	25,000	0	$25,000
08-00301.013-R-2	15-08-33-406-026-0000	25,000	0	$25,000
08-00301.014-R-2	15-08-33-408-006-0000	25,000	0	$25,000
08-00301.015-R-2	15-08-33-408-007-0000	25,000	0	$25,000
08-00301.016-R-2	15-08-33-408-008-0000	25,000	0	$25,000
08-00301.017-R-2	15-08-33-408-012-0000	25,000	0	$25,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of seventeen vacant parcels of land located in New Lenox, New Lenox Township, Will County.

The appellant's appeal is based on overvaluation of the subject property.[1] In support of this overvaluation complaint, the appellant initially filed an appraisal prepared by Nicholas F. Solano, an Illinois Certified General Real Estate Appraiser with Integra Realty Resources - Chicago Metro. The subjects of this appraisal report are 58 unsold lots of the 150 lots in Taylor Glen Subdivision, four of which have reportedly been improved with model homes.[2] "The subject property includes only the lots and not the vertical house construction that is finished or pending." (Appraisal, p. 3) None of the 17 parcels which are the subject matters of this appeal are listed as being appraised in the appraisal report.

The appraisal states that it was intended to aid in acquisition, financing, loan classification and/or asset disposition. "The purpose of the appraisal was to estimate the market value "As Is," effective date of the appraisal, May 20, 2008. The scope of the appraisal also includes an estimate of the Gross Retail Sellout, the market value as if improvements are already completed." (Appraisal, p. 4) The appraisal provides an estimated market value "As Is" for 58 lots of $3,455,000 as of May 20, 2008. Furthermore, the appraisal estimated the "market value as if site improvements are completed for 58 lots effective May 20, 2008" is $4,430,000.[3]

As additional evidence and within an extension of time to submit evidence, the appellant filed an appraisal prepared by Peter Helland and Edward Kling, Certified General Appraisers, employed by Real Valuation Group, LLC. The subject of this appraisal report consists of the 17 parcels on appeal in this proceeding.

The lots reportedly range in size from 10,790 to 19,948 square feet of land area for a total land size of 214,157 square feet. The appraisers noted that 14 of the lots are typical rectangular sites, but lots 14, 79 and 105 have irregular shapes which "limits the useable area of these larger sites." (Appraisal, pp. 8 & 12) Five of the parcels are corner lots with the remaining 12 lots being interior bordered parcels. (Id.) The highest and best use of the parcels is to hold for single family residential development. Using the sales comparison approach to value, the appraisers estimated the subject parcels have an aggregate market value of $1,275,000 or $75,000 per lot as of January 1, 2009.

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[1] Additional bases of appeal marked on the Residential Appeal form in Section 2d included comparable sales, contention of law and assessment equity, but no substantive evidence on any of those matters, other than the appraisal, was submitted as evidence.

[2] Page 3 of the appraisal report lists the 58 lots by address and parcel number which are the subjects of this appraisal report.

[3] The 58 lots being appraised range in individual lot sizes from 10,285 to 17,951 square feet of land area for a total size of 17.17-acres. (Appraisal, p. 35) The appraised parcels were mostly rectangular, partly finished lots which were generally level, some of which allow look-out basements. Certain lots back to a 10-acre wet detention area and other lots back to a 4.88-acre detention area. The only area amenity described was a "small park."

In reporting on the sales history of the subject, the appraisers indicated the property was last transferred under two purchases of large underlying development parcels for $750,000 and $1,750,000, but according to the appraisers these sales did not consist of the lots in their current form and included a significant amount of additional property outside of the current 17 subject lots.

For the sales comparison approach to value, the appraisers analyzed six sales of lots located in the communities of Manhattan, New Lenox, Mokena and Frankfort. The parcels range in size from 12,523 to 22,029 square feet of land area. The properties sold on unknown dates for prices ranging from $67,000 to $92,500. The appraisers analyzed the differences between the sales comparables and the subject determining adjustments for differences in location and/or lot size. The appraisers also noted data on active listings, short sales and foreclosures in the area on page 30 of the report. The report also noted the lack of vacant land sales in New Lenox, but estimated a typical contributory land value of 20% for improved sales for an average market lot contributory value of $76,600. Based on this data, the appraisers opined the subject lots have a market value of $75,000 per lot as of January 1, 2009.

Based on the foregoing evidence, the appellant requested an assessment reduction to $25,000 per parcel for the 17 parcels on appeal in this matter.

The board of review submitted its "Board of Review Notes on Appeal" as required by the Property Tax Appeal Board wherein the subject final assessments of each of the 17 parcels of $33,660 was disclosed. The final assessment of each parcel reflects a market value of approximately $101,264 per lot using the 2008 three-year median level of assessments for Will County of 33.24% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In support of the subject's assessment, the board of review presented a listing of sales prepared by the New Lenox Township Assessor along with copies of applicable Real Estate Transfer Declarations. The nine sales were described as "multi lots" ranging in number from two lots to 40 lots. The sales occurred between January 2007 and June 2007 for prices ranging from $240,000 to $5,250,000 or from $122,000 to $152,465 per lot.

The board of review also submitted two computer printouts entitled "2009 Final S/A Values" identifying numerous parcel numbers, including some of the parcels on appeal. Land assessments for these listed properties are $0, $1, $2,000, $15,593, $20,000, $26,335 or $33,660.

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

In rebuttal, counsel for the appellant argued that the nine sales presented by the board of review have not been adjusted "for size, date of sale, location, etc." As to the assessor's 2009 value data, the appellant contends this appeal concerns 2008.

Based on the submissions made by the board of review, appellant argues this data does not overcome the appraisal submitted with the 2008 complaint. "To the extent that the Board of Review is allowed to submit evidence post-dating the January 1, 2008 lien date, the Appellant submits the appraisal evidence submitted with its 2009 complaint." Attached to the rebuttal was a second copy of the appraisal prepared by Peter Helland and Edward Kling of Real Valuation Group, LLC as of January 1, 2009 and which was discussed above as appellant's second appraisal in this matter.[4]

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. 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 §1910.65(c). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted two appraisals. The Board has given no consideration to the first appraisal as it did not appraise the subject property. However, the appellant's second appraisal which concerned the subject parcels arrived at a final value conclusion of $75,000 per lot and is appropriate evidence to challenge the assessment of the subject property and thus shall be considered by the Board. In response to this appraisal, the board of review submitted sales data on nine transactions from 2007 to support of the subject's estimated market value as reflected by its assessment. The board of review provided no descriptive details of these nine comparables in terms of location, topography, size and/or features. Moreover, each of the nine sales was a "multi lot" sale, not a sale of an individual parcel. Furthermore, the evidence presented by the

[4] The Property Tax Appeal Board notes that 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 §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 §1910.66(c)). As the appellant submitted a duplicate copy of the second appraisal in this matter, the appellant did not actually submit "new evidence" in rebuttal.

board of review does not clearly establish that simply dividing the purchase price by the "number of lots" provides an accurate reflection of the market value of individual lots.

Having examined the evidence, the Board finds the best evidence of market value in the record is the appraisal of the subject property submitted by the appellant. The appellant's appraisers estimated the subject parcels each had a market value of $75,000 as of January 1, 2009. In estimating the market value of the subject property the appellant's appraisers utilized the sales comparison approach. The appraisers considered adjustments to the comparables to account for differences from the subject property and also considered other sales data in arriving at a value conclusion. The Board finds the appraisers' conclusion of value appears credible, logical and reasonable in light of the sales data within the report.

The Board finds the board of review failed to adequately describe the sales being considered in terms of size, location, and other features so that their similarity or dissimilarity to the subject could be analyzed. Moreover, despite the lack of dates of sale in the appraisal report, the board of review submitted no evidence to challenge the appellant's appraisal report with an opinion of value 12 months after the assessment date at issue beyond providing nine sales of parcels of unknown size and unknown locations which occurred 6 to 12 months prior to the assessment date of January 1, 2008. In conclusion, the Board finds the appraisers' estimate of value of $75,000 per parcel is the best and most credible evidence of value in the record which has not been adequately challenged by the board of review.

Based on this record, the Board finds a reduction in the subject's assessments commensurate with the appellant's request is justified.

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 20, 2012

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.