



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

APPELLANT: Daniel & Cindy Buhle
DOCKET NO.: 08-00533.001-R-1
PARCEL NO.: 04-10-30-301-006-0000

The parties of record before the Property Tax Appeal Board are Daniel & Cindy Buhle, the appellants, by attorney William I. Sandrick, of the Sandrick Law Firm LLC in Calumet City, 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: \$19,045
IMPR.: \$79,013
TOTAL: \$98,058

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 0.46-acre parcel improved with an eight year-old, one-story frame dwelling that contains 2,611 square feet of living area. Features of the home include central air conditioning, a fireplace, a three-car garage and a full unfinished basement. The subject is located in Channahon, Channahon Township, Will County.

Through an attorney, the appellants submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a closing statement detailing the subject's sale in March 2008 for \$292,000, as well as an appraisal of the subject with an estimated market value of \$295,000 as of the report's effective date of February 11, 2008. The appellants argued "that the bona fide arms-length sale price of \$292,000 be used as basis for the 2008 assessed valuation."

Regarding the appellants' appraisal, state certified appraiser Kathleen Phillips used the cost and sales comparison approaches

to value. In the cost approach, the appraiser first valued the subject lot at \$83,500 and then used Building-Cost.net and local builders cost estimates to determine a cost new for the subject of \$214,711. After subtracting depreciation by the age/life method of \$8,588 and adding back site improvements of \$10,000 and the site value, the appraiser estimated the subject's value by the cost approach at \$299,600, rounded.

In the sales comparison approach, the appraiser examined three sales and one listing of comparables located 0.09 mile to 2.04 miles from the subject. Comparable #1 is located on the subject's street and block. The comparables were described as one-story style homes of brick and cedar exterior construction that range in age from one to ten years and range in size from 2,167 to 2,987 square feet of living area. Features of the comparables include central air conditioning, a fireplace, two-car or three-car garages and full basements, two of which have one finished room. Comparables #1, #2 and #3 sold between February and November 2007 for prices ranging from \$275,000 to \$356,000 or from \$119.19 to \$126.90 per square foot of living area including land. Comparable #4 was listed for \$328,900 or \$122.95 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject, such as date of sale, age, room count, living area, basement finish, garage size and upgrades. After adjustments, the comparables had adjusted sales prices ranging from \$290,900 to \$312,000 or from \$104.46 to \$136.00 per square foot of living area including land.

In reconciliation, the appraiser relied most heavily on the sales comparison approach, because it "best reflects the attitudes of buyers and sellers in today's market place." Based on this evidence the appellants requested the subject's total assessment be reduced to \$97,323, reflecting a market value of approximately \$291,969.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$108,892 was disclosed. The subject has an estimated market value of approximately \$327,593 or \$125.47 per square foot of living area including land, as reflected by its assessment and the Will County 2008 three-year median level of assessments of 33.24%.

In support of the subject's assessment, the board of review submitted a letter prepared by the township assessor, a grid analysis of three comparable properties located in a similar competing neighborhood and copies of two Real Estate Transfer Declarations that detail the subject's sale in September 2007 (recorded March 3, 2008) for \$312,000 and a second sale in December 2007 (recorded March 14, 2008) for \$292,000. The transfer declaration recorded March 3, 2008 indicated the subject was not advertised for sale, while the declaration for the sale recorded March 14, 2008 indicated the subject was advertised. The assessor contends the "2008 sale" of the subject was "a

relocation sale and is not a valid sale."¹ The letter also stated the appellants' appraisal comparables #2, #3 and #4 were from neighboring Grundy County and are located in a different school district.

The board of review's grid comparables were described as one-story style frame homes that were built from 1995 to 2001 and range in size from 1,914 to 2,585 square feet of living area. Features of the comparables include central air conditioning, garages that contain from 525 to 640 square feet of building area and full unfinished basements. Two comparables have a fireplace. The comparables sold between June 2005 and April 2006 for prices ranging from \$319,000 to \$340,000 or from \$124.28 to \$177.64 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 appellants contend 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 appellants submitted a closing statement detailing the subject's March 2008 sale for \$292,000. The appellants claimed this was an arm's-length transaction, but submitted no support for this contention, having failed to complete Section IV of the appeal petition with basic transaction information. The appellants also submitted an appraisal of the subject property performed by a certified appraiser wherein the subject's market value was estimated at \$295,000 as of February 11, 2008. The board of review submitted a grid analysis of three comparable properties, along with Real Estate Transfer Declarations detailing an apparent September 2007 sale (recorded March 3, 2008) of the subject to a relocation company for \$312,000, and an apparent December 2007 sale (recorded March 14, 2008) of the subject from the relocation company to the appellants for \$292,000. The declaration for the earlier sale indicated the subject was not advertised for sale, while the declaration for the later sale indicated it was advertised for sale. The Board gave less weight to the board of review's comparable sales because they occurred in 2005 and 2006 and are

¹ The assessor did not differentiate between the March 3, 2008 sale from previous owners to Prudential Relocation, Inc., or the March 14, 2008 sale from Prudential Relocation, Inc. to the appellants.

too distant in time to reliably indicate a value for the subject as of the January 1, 2008 assessment date at issue in this appeal. The Property Tax Appeal Board finds the most reliable evidence in this record of the subject's market value is found in the appellants' appraisal. The effective date of the appraisal is just 41 days after the subject's assessment date. The Board finds the assessor's claim that three of the appellants' appraisal comparables were in neighboring Grundy County is not supported by any evidence that shows these comparables were not reflective of market value in the subject's neighborhood. The Board further finds the appellants' appraisal comparable #1 was located on the subject's street and block, sold in November 2007, just prior to the subject's assessment date, and had an adjusted sales price of \$294,700, just below the appraiser's market value estimate for the subject of \$295,000. Based on this analysis, the Property Tax Appeal Board finds the subject's market value is \$295,000. Since market value has been established, the 2008 Will County three-year median level of assessments of 33.24% shall apply.

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

Frank J. Huff

Member

Member

Mario M. Louie

William R. Lerbis

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: September 23, 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.