



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

APPELLANT: Dave Vierk
DOCKET NO.: 08-00536.001-R-1
PARCEL NO.: 23-15-04-313-024-0000

The parties of record before the Property Tax Appeal Board are Dave Vierk, the appellant, 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 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: \$4,121
IMPR: \$197,294
TOTAL: \$201,415

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 1.2-acre parcel improved with a one-story style dwelling of dryvit exterior construction that contains 3,464 square feet of living area. Features of the home include a two-car garage, central air conditioning, a fireplace and a full basement with a half bath. The subject is located in Lincolnshire Estates subdivision, Crete Township, Will County.

Through his attorney, the appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property prepared by a certified appraiser. The appraiser used the sales comparison approach to estimate a value for the subject, as of the report's effective date of July 24, 2007, of \$560,000. The appraisal indicated the subject dwelling contains 3,464 square feet of living area and contains a floor plan drawing with exterior measurements that support the dwelling size.

In the sales comparison approach, the appraiser analyzed three comparable properties said to be located 1.03 to 4.17 miles from the subject. The comparables' locations were described as "wooded" or "nothing adverse", with lots that range in size from 0.3-acre to 0.75-acre. The comparable dwellings consist of two-story style brick and frame dwellings that are new to 17 years old and range in size from 2,678 to 3,918 square feet of living area. Features of the comparables include central air conditioning, one or two fireplaces, three-car garages and full basements, two of which have finished areas. The comparables sold between November 2006 and March 2007 for prices ranging from \$410,000 to \$559,500 or from \$139.84 to \$171.85 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject, such as financing concessions, site size and view, construction quality, age and condition, room count and living area, basement size and finish, utility, garage size and other amenities. After adjustments, the comparables had adjusted sales prices ranging from \$510,100 to \$591,700.

In his comments section, the appraiser acknowledged "a lack of closed sales of custom built ranches backing golf course" and chose to "use different style custom built homes with similar appeal in the subject's market." Most weight was given to comparables #1 and #2 which were "located in a golf course subdivision." Based on this evidence the appellant requested the subject's total assessment be reduced to \$186,648, reflecting a market value of approximately \$559,944 or \$161.65 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$201,415 was disclosed. The subject has an estimated market value of approximately \$605,942 or \$157.64 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%, and using a living area of 3,844 square feet.

In support of the subject's assessment, the board of review submitted a brief letter prepared by the Crete Township assessor, an adjusted grid of the appellant's appraisal comparables, along with property record cards and a grid analysis of four additional comparable properties. The grid of the appellant's comparables indicated those properties had adjusted sales prices ranging from \$563,986 to \$708,198 or from \$186.90 to \$234.81 per square foot of living area including land. This grid also depicted assessment information on the appellant's three appraisal comparables. These properties had improvement assessments ranging from \$107,322 to \$188,317 or from \$40.08 to \$48.06 per square foot of living area. After adjustments, the comparables had adjusted improvement assessments ranging from \$170,353 to \$193,679 or from \$49.43 to \$63.61 per square foot of living area. This grid depicts the subject as containing 3,844 square feet of living area, but the board of review failed to submit the subject's property record card to support this figure.

Nevertheless, the board of review's grid depicts the subject's improvement assessment, based on 3,844 square feet, as \$51.33, which is within the range of the appellant's appraisal comparables after adjustments.

The board of review's comparables consist of one-story style brick and frame-constructed homes that range in age from two to nine years and range in size from 1,995 to 2,592 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 695 to 1,003 square feet of building area and full basements, two of which have finished areas. The comparables are situated on lots ranging in size from 0.46 to 0.678 acre and sold between March and July 2007 for prices ranging from \$354,500 to \$419,900 or from \$146.25 to \$181.71 per square foot of living area including land. The board of review's grid includes numerous adjustments to these comparables for differences when compared to the subject. After adjustments, the board of review's comparables had adjusted sales prices ranging from \$552,053 to \$604,017 or from \$212.99 to \$279.14 per square foot of living area including land. The assessor's letter claimed the board of review's comparables "sold in 2007 in the township", but these properties' proximity to the subject was not disclosed, nor were any indicated as backing up to a golf course like the subject. 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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal, the value 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). After analyzing the market evidence submitted, the Board finds the appellant has failed to meet this burden.

The Board finds the appellant submitted an appraisal of the subject property with a market value estimate of \$560,000 as of July 24, 2007, while the board of review submitted four comparable sales. The appellant's appraisal comparables were two-story homes, dissimilar to the subject's one-story design. The board of review's comparables were one-story homes, but were all approximately 1,000 square feet, or more, smaller than the subject in living area. The appraisal comparables were said to be 1.03 to 4.17 miles from the subject, whereas proximity to the subject of the board of review's comparables was not disclosed. The appellant's appraiser noted he could not find custom-built ranch homes that backed up to a golf course, but made no adjustment to his comparables for this factor. None of the board of review's comparables appeared to be located in the subject's

subdivision and no location adjustments were made to these properties for golf course location, or lack of it. The Board finds location and home design are typically among the most important considerations in the real estate market, but none of the comparable properties in this record was truly similar to the subject property so as to suggest a reliable market value for it. Therefore, the Board gave little weight to the appraisal's opinion of value and finds all the comparables submitted by both parties sold for adjusted prices ranging from \$510,100 to \$604,017 or from \$136.31 to \$279.14 per square foot of living area including land. The subject's estimated market value as reflected by its assessment of \$605,942 or \$157.64 per square foot of living area including land falls within this range and is thus supported by the evidence in this record.

In conclusion, the Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct 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.

Chairman

K. L. Ferr

Member

Richard A. Huff

Member

Marko M. Louie

Member

Acting 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: November 18, 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.