



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

APPELLANT: Terrance & Charlotte Rubino  
DOCKET NO.: 08-00537.001-R-2  
PARCEL NO.: 23-15-34-100-014-0000

The parties of record before the Property Tax Appeal Board are Terrance & Charlotte Rubino, the appellants, by attorney William I. Sandrick of the Sandrick Law Firm LLC, in Calumet City; the Will County Board of Review; and School District No. 201-U, intervenor, by attorney John M. Izzo of Sraga Hauser, LLC, in Flossmoor.

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: \$103,250  
IMPR: \$262,390  
TOTAL: \$365,640**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 13.12-acre site improved with a 12-year-old, two-story single family dwelling of brick exterior construction. The home contains approximately 5,600 square feet of living area<sup>1</sup> and features a full walkout-style basement which is finished,<sup>2</sup> four fireplaces, central air conditioning, and a 1,138 square foot garage. The subject also features a swimming pool and a pole building that was built in 2005. The property is located in Beecher, Crete Township, Will County.

The appellants' appeal is based on overvaluation of the subject property. In support of this overvaluation complaint, the

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<sup>1</sup> The appellants' appraiser reported a dwelling size of 5,567 square feet of living area with a detailed schematic drawing. The board of review provided a letter from the Crete Township Assessor reporting the dwelling contains "5,928 SF (5,964 SF as per new PAMS drawing)" along with a two-pages consisting of a schematic drawing of the subject with its other structures.

<sup>2</sup> The appellants' appraisers report 70% finish in the basement whereas the assessing officials report a fully finished basement.

appellants filed an appraisal with the Property Tax Appeal Board prepared by Eric Sladcik and Dave Richmond, as supervisory appraiser, both of whom work for David Richmond Appraisals. The appraisal provides an estimated market value of \$1,100,000 or approximately \$197.59 per square foot of living area including land as of September 22, 2008.

Under the cost approach, the appraisers estimated the subject's land value at \$175,000 using land sales of similar size lots in the market area. Using Marshall & Swift cost services, along with the appraisers' experience, the appraisers determined a replacement cost new for the subject dwelling including the basement and garage of \$951,450. Physical depreciation of \$135,921.29 was calculated using the age/life method resulting in a depreciated value of improvements of \$815,528.71. Next, a value for site improvements of \$150,000 was added. Thus, under the cost approach, the appraisers estimated a market value of \$1,140,500 for the subject.

The appraisers set forth six suggested sales comparables ranging in parcel size from  $\frac{3}{4}$  to 14-acres of land area. One was improved with a ranch-style dwelling and five were improved with two-story dwellings of brick, brick and cedar or brick and dryvit construction. The comparables range in age from 2 to 28 years old and range in size from 3,125 to 5,000 square feet of living area. Each comparable has a basement, four of which are fully or partially finished. Each home has central air conditioning, four have one to three fireplaces, and each has a two-car or three-car garage. One comparable also has a built-in pool. The comparables sold from June 2007 to September 2008 for prices ranging from \$475,000 to \$715,000 or from \$109.58 to \$190.40 per square foot of living area including land.

The appraisers made adjustments to the comparables for date of sale, and differences in acreage, view, age, condition, room count, living area square footage, basement finish, and differences in other amenities from the subject. No mention was made by the appraisers of the subject's pole building, but the appraisers did acknowledge that the subject had garage parking for seven cars and each of the comparables had upward adjustments for garage size. Also among the adjustments was a \$50,000 upward adjustment for comparables that did not feature a pool. The report stated a summary of the sales comparison approach was provided in an addendum, however, there is no addendum discussing the adjustment process or the sales comparison approach. After the adjustments, the appraisers concluded adjusted sale prices for the comparables ranging from \$1,030,000 to \$1,205,000 or from \$214.18 to \$339.20 per square foot of living area including land. The appraisers estimated a fair market value for the subject of \$1,100,000 or approximately \$196.43 pr square foot of living area including land under the sales comparison approach and reconciled that this approach should be given greatest weight in arriving at an opinion of value. Appellants requested a total assessment for the subject property of \$366,630 based on this appraisal.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$473,151 was disclosed. The final assessment of the subject property reflects a market value of \$1,423,439 or approximately \$254.19 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. (86 Ill.Admin.Code §1910.50(c)(1)).

In a letter prepared by the Crete Township Assessor, it was reported in part that "[i]f the 1993 land purchase, the permit construction costs for the home, pool and pole buildings are added, the total is \$858,000. The owners are currently receiving a 20,999 Home Improvement Exemption for the pole building that expires in January 2012."

As to the appellants' appraisal, the assessor contends that Sales #3 and #6 are located in Manhattan "and were not used by us. We have adjusted the other four comps and two of our own to the subject." In an area map, the assessor has shown that only Sale #3 presented by the appellants' appraisers is in close proximity to the subject, comparable #4 is somewhat distant and the remaining four comparables are in relatively close proximity to one another, but distant from the subject. Then the assessor presented a grid analysis of the six comparables, four from the appellants' appraisal plus two additional comparables, with various upward and downward value adjustments purportedly for differences. There is no narrative to explain the adjustment process.

The assessor included the appraisers' Sales #1, #2, #4 and #5, thereby including the ranch-style dwelling. Comparables #5 and #6 added by the assessor consist of 2.10-acres and .68 of an acre, respectively. These parcels are improved with two-story brick or brick and frame dwellings that were built in 1992 and 2002, respectively. The homes are said to be in excellent and good condition with 4,801 and 3,557 square feet of living area, each. Features include basements which are partially finished, central air conditioning, fireplaces and a garage. Comparable #5 also has an inground pool. These two properties sold in August 2006 and March 2007 for prices of \$760,000 and \$445,000, respectively, or for \$158.30 and \$125.11 per square foot of living area including land.

The assessor's grid of six comparables reflects sale dates between August 2006 and July 2008 for prices ranging from \$445,000 to \$760,000. The assessor made adjustments to the comparables for lot size, story height, exterior construction, condition, plumbing fixtures, gross living area, basement, basement finish, basement entrance, number of air conditioning units, fireplaces, garage size, and other amenities, including an upward adjustment of \$39,300 for comparables which did not have a pool. From this adjustment process, the assessor arrived at adjusted sales prices ranging from \$1,347,505 to \$1,941,113 or from \$280.67 to \$958.10 per square foot of living area including

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

The intervenor, by correspondence dated August 30, 2010, adopted the evidence submitted herein by the Will County Board of Review. (86 Ill.Admin.Code §1910.99)

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 appellants 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 (3<sup>rd</sup> 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 appellants submitted an appraisal of the subject property with a final value conclusion of \$1,100,000 wherein the appraisers analyzed six sales and made adjustments to each of the comparables for differences, while the board of review submitted four of the appraisers' sales plus two additional sales with adjustments made by the assessor in order to support the subject's estimated market value as reflected by its assessment.

Neither party explained their respective adjustment process in their submissions. However, the Board finds that the adjustments made by the appraisers appear more logical than those made by the assessor. For instance, the subject parcel of 13.12-acres is larger than most of the comparables presented by both parties and each party made upward adjustments to those smaller comparable parcels to account for this difference. Close examination of the differences in the adjustments, however, reveals that the appraisers' adjustments are more credible and logical than those made by the assessor. For instance, there was no land adjustment by the appellants' appraisers to Sale #5 as the property has 14-acres whereas the assessor agreed the property was 14.18-acres, but still made an upward adjustment of \$264,546. Close examination of the assessor's data appears to reveal the methodology was to take the current land assessment multiplied by three to arrive at "full value" and then considering the subject's land assessment of \$103,250 reflected a "full value" of \$309,750, make an adjustment to the comparables to arrive at a land value of \$309,750. The Board finds that this adjustment process is simply self-validating of the assessment process and may not be reflective of market value. In this regard, the Board

further finds that the assessor's adjustment process on land is not logical when comparable #2 of 1.69-acres also receives an upward adjustment of \$250,614.

Thus, the Property Tax Appeal Board finds that, despite some of the stark differences between the subject property and the comparables utilized in terms of lot size and dwelling size, the appraisers adjusted the comparables for differences in order to arrive at a value conclusion in a logical and credible manner whereas the assessor's adjustments do not appear to be internally consistent, logical or credible. The Board finds that the appraisal submitted by the appellants estimating the subject's market value of \$1,100,000 is the best evidence of the subject's market value in the record.

Based upon the market value as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Will County for 2008 of 33.24% shall be applied.

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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

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

*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.