



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

APPELLANT: George & Vivienne Porter
DOCKET NO.: 07-00231.001-R-1 and 08-00544.001-R-1
PARCEL NO.: 16-05-35-402-023-0000

The parties of record before the Property Tax Appeal Board are George & Vivienne Porter, the appellants, by attorney David C. Hurst of Bruggeman, Hurst & Associates, P.C. in Mokena, 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:

<u>DOCKET NO.</u>	<u>PROPERTY NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
07-00231.001-R-1	16-05-35-402-023-0000	\$31,151	\$162,767	\$193,918
08-00544.002-R-1	16-05-35-402-023-0000	\$31,151	\$162,767	\$193,918

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 43,980 square foot parcel that is improved with a seven year-old, two-story style brick and stucco that contains 3,153 square feet of living area. Features of the home include central air conditioning, a fireplace, a full unfinished basement and a three-car garage. The subject is located in Mokena, Homer Township, Will County.

Through their attorney, the appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of their 2007 appeal, and overvaluation and assessment inequity as the bases of their 2008 appeal. In support of the overvaluation argument for both years, the appellants submitted an appraisal of the subject property prepared by state-certified appraiser Warren L. Dixon, although he was not present at the hearing to explain his methodology or be cross-examined regarding the report's preparation. The appraiser used the cost and sales comparison approaches to estimate the subject's market value at \$500,000 as of the report's effective date of January 1, 2007. In the cost approach, the appraiser opined the subject's site value at

\$125,000, but provided no evidence to support this figure. The appraiser then used the Marshall & Swift Cost Handbook to estimate the subject's replacement cost new at \$423,531. Physical and functional depreciation of \$26,132 was subtracted from the replacement cost, to which the appraiser then added back the site value and \$7,500 for site improvements to derive an indicated value for the subject by the cost approach of \$529,900.

In the sales comparison approach, the appellants' appraiser examined three comparable properties he claimed were located approximately one-half mile from the subject. The comparables consist of lots that contain 43,900 or 43,941 square feet of land area which are improved with two-story homes that range in age from 7 to 11 years and range in size from 3,366 to 3,492 square feet of living area. Features of the comparables include central air conditioning, full or partial basements with varying degrees of finish, three-car garages and patios, porches, or pools. The comparables were reported to have sold in August 2005 or December 2006 for prices ranging from \$460,000 to \$585,000 or from \$135.06 to \$167.53 per square foot of living area including land. The appraiser made various adjustments to the comparables for differences when compared to the subject which resulted in adjusted sales prices ranging from \$488,500 to \$510,600 or from \$143.42 to \$149.52 per square foot of living area including land. Based on this analysis, the appraiser estimated the subject's value by the sales comparison approach at \$500,000.

In his final conclusion of value, the appraiser asserted the sales comparison approach "is the best indicator of value on the quantity and quality of market information".

Regarding the 2008 appeal, the appellants submitted the same appraisal as was used to support the 2007 appeal. As stated above, the report had an effective date of January 1, 2007 with a market value estimate of \$500,000. In support of the 2008 inequity argument, the appellants submitted a grid analysis of three comparable properties. The comparables were described as two-story dwellings of unspecified exterior construction or age that range in size from 2,936 to 3,398 square feet of living area. Features of the comparables include central air conditioning. No information regarding fireplaces, garages, or other amenities was provided. These properties have improvement assessments ranging from \$96,172 to \$131,044 or from \$35.90 to \$38.57 per square foot of living area. The subject has an improvement assessment for both 2007 and 2008 of \$162,767 or \$51.62 per square foot of living area. Based on this evidence the appellants requested the subject's total assessment be reduced to \$166,667 for 2007 to reflect the \$500,000 market value estimate in their appraisal, and \$147,674 for 2008.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$193,918 for both 2007 and 2008 was disclosed. For 2007, the subject has an estimated market value of approximately \$580,593 or \$184.14 per square foot of living area including land, as reflected by its

assessment and the Will County 2007 three-year median level of assessments of 33.40%. For 2008, the subject has an estimated market value as reflected by its assessment of \$583,387 or \$185.03 per square foot of living area including land using the Will County 2008 three-year median level of assessments of 33.24%.

In support of the subject's estimated market value as reflected by its assessment the board of review submitted a letter prepared by the township assessor, photographs of the subject, a corrected grid of the appellants' 2008 equity comparables, property record cards and a grid analysis of six equity comparables located in the subject's subdivision (for 2008), a list that details 34 two-story comparables in the subject's subdivision and an appraisal of the subject property performed by certified general real estate appraiser James V. Smith for both years under appeal. Smith was present at the hearing to provide testimony regarding his report's preparation and be cross-examined. The appraiser used only the sales comparison approach in estimating the subject's market value at \$590,000 as of January 1, 2007.

Smith analyzed three comparable properties located within several blocks of the subject in its Hunt Club Woods subdivision. The comparables consist of lots ranging in size from 43,650 to 52,940 square feet of land area that are improved with two-story style homes of brick and stucco, brick and stone, or brick and aluminum or vinyl siding. The comparable homes are 3 to 8 years old, range in size from 3,492 to 4,297 square feet of living area and have features that include central air conditioning, three-car garages and full basements, two of which are finished. The comparables also have various porches, patios and covered entrances and one has an in-ground swimming pool. The comparables sold between March and December 2006 for prices ranging from \$585,000 to \$825,000 or from \$167.53 to \$191.99 per square foot of living area including land. The appraiser adjusted the comparables' sales prices for differences when compared to the subject, such as lot size, view room count, living area, basement finish and other amenities. The comparables then had adjusted sales prices ranging from \$586,325 to \$693,175 or from \$160.17 to \$167.94 per square foot of living area including land. In his summary, the appraiser acknowledged a wide range of values for the subject and indicated comparable 1 required the least net adjustments, thus justifying a conservative value estimate.

In support of the subject's improvement assessment for 2007, the board of review's list of 57 two-story comparables in the subject's Hunt Club Woods subdivision disclosed that these homes were built between 2000 and 2006, range in size from 2,970 to 5,421 square feet of living area, have one or two fireplaces, garages that contain from 591 to 1,502 square foot of building area and are situated on lake, inside, corner, or wooded lots. These properties have 2007 improvement assessments ranging from \$158,135 to \$315,987 or from \$47.18 to \$59.07 per square foot of living area. In support of the subject's 2008 improvement

assessment, the board of review's grid of the six comparables located closest to the subject consist of two-story style brick or brick and frame dwellings that were built between 2000 and 2004 and range in size from 2,970 to 3,265 square feet of living area. Features of the homes include central air conditioning, a fireplace, garages that contain from 689 to 1,502 square foot of building area and full basements. One comparable has a bonus room, one has an outside basement entrance and one has a porch and balcony with railing. These properties have improvement assessments ranging from \$158,135 to \$178,747 or from \$51.68 to \$55.98 per square foot of living area. The board of review further submitted a grid analysis of 59 two-story comparable homes in the Hunt Club Woods subdivision to demonstrate the subject's improvement assessment is uniform with similar homes. The comparables range in size from 2,970 to 5,672 square feet of living area and have 2008 improvement assessments ranging from \$158,135 to \$315,987¹ or from \$48.07 to \$59.07 per square foot of living area, with the subject, at \$51.62 per square foot, falling well within this range. Of the 59 comparables, the board of review's grid indicates 13 of these homes sold between April 2005 and June 2007 for prices ranging from \$540,000 to \$1,400,000. The assessor's letter noted that, were the subject's improvement assessment to be lowered to the appellants' request of \$116,523, the subject would have an improvement assessment of \$36.96, which is below range of the other similar homes in the subdivision. Based on this evidence, the board of review requested the subject's assessment be confirmed.

During the hearing, the board of review requested the Property Tax Appeal Board give little weight to the appellants' appraisal because of the preparer's absence. The board of review also requested the Board give little weight to the appellant's equity comparables because the preparer of that evidence, the appellants' prior counsel who had withdrawn his representation, was likewise not present at the hearing. The board of review's representative asserted that the appellants' equity comparables are located approximately one mile from the subject in another subdivision. The comparables were built between 1982 and 1985, whereas the subject was built in 2001. The representative further asserted that the appellants' comparables were homes of lesser quality than the subject.

The representative then called Joseph Smith to testify regarding his appraisal of the subject for the board of review. Smith testified two of the comparables used in the appellants' appraisal sold in 2005 and are not as reliable as sales that occurred in 2006. Smith testified it was important to utilize sales in the subject's custom-home subdivision, rather than other subdivisions.

¹ Two comparables had partial assessments and one has no improvement assessment.

In cross-examination, Smith was questioned as to why he did not consider a property approximately 1.28 miles from the subject that sold for \$449,000. The witness replied he did not know. Under further questioning by the appellants' counsel, Smith acknowledged that overall, property values in Homer Township had declined in 2008 and that 2007 was "a plateau year". However, he did not indicate the subject property had lost value as of the January 1, 2008 assessment date.

After hearing the testimony 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 appellants first argued overvaluation as a 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 appellants have failed to meet this burden.

The Board finds both parties submitted appraisals with effective dates of January 1, 2007 in support of their respective arguments for the 2007 and 2008 appeals. The Board initially gives no weight to the value conclusion of \$500,000 in the appellants' appraisal because their appraiser was not present at the hearing to provide testimony regarding the report's preparation or be cross-examined. The Board will consider the raw sales data in the appellants' appraisal, but the record disclosed the appellants' appraisal comparables were located in a different subdivision, whereas board of review appraiser Smith utilized comparables in the subject's Hunt Club Woods subdivision. Therefore, the appellants' appraisal comparables received less weight in the Board's analysis. As to the board of review's appraisal, the Board finds that while two of Smith's appraisal comparables were larger than the subject, he placed most weight in his value conclusion for the subject of \$590,000 on his comparable #1, which was similar to the subject in most respects and had an adjusted sale price of \$586,325. Therefore, the Board finds the board of review's appraisal supports the subject's estimated market value as reflected by its assessment of \$583,387 for both 2007 and 2008.

The Board next finds the board of review submitted a list of 59 comparable two-story homes in the subject's subdivision, 13 of which sold between April 2005 and June 2007 for prices ranging from \$540,000 to \$1,400,000. The Board finds this evidence further buttresses the board of review's contention that the subject's estimated market value of \$583,387 is accurately reflected in its assessment.

The appellants also argued unequal treatment in the assessment process as a basis for their 2008 appeal. The Illinois Supreme

Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The Board finds the appellants submitted three comparables in support of their inequity argument, while the board of review submitted six equity comparables on a grid, along with a listing of 59 comparable (including the aforementioned six comparables) two-story homes in the subject's Hunt Club Woods subdivision. The record disclosed the appellants' three comparables were located over a mile away in a different subdivision, and for this reason, were given less weight in the Board's analysis. The board of review's six comparables were similar to the subject in design, age, size, location and most amenities and had improvement assessments ranging from \$51.68 to \$56.00 per square foot of living area. The subject's improvement assessment of \$51.62 per square foot of living area falls below this range.

The Board further finds The board of review submitted a list of 59 two-story homes in Hunt Club Woods. While these properties differed from the subject in living area and some features, they nevertheless have improvement assessments ranging from \$48.07 to \$59.07 per square foot of living area. The subject's improvement assessment falls within and nearer the low end of this range. After considering adjustments for the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's per square foot improvement assessment is supported by the most comparable properties contained in the record.

In conclusion, the Board finds the appellants have failed to prove overvaluation by a preponderance of the evidence or assessment inequity by clear and convincing 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn P. 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: January 21, 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.