



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

APPELLANT: Collin W. Gray Harris NA Tr #2800  
DOCKET NO.: 08-01214.001-R-1  
PARCEL NO.: 16-05-12-402-047-0000

The parties of record before the Property Tax Appeal Board are Collin W. Gray Harris NA Tr #2800, the appellant; 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:** \$48,906  
**IMPR:** \$128,183  
**TOTAL:** \$177,089

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is a 37,062 square foot parcel improved with a two-story style frame and masonry dwelling containing 3,421 square feet of living area that was built in 1992. Features include a full, partially finished basement, central air conditioning, three fireplaces and a 766 square foot attached garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation and a contention of law issue as the bases of the appeal. The appellant argued that a 2007 stipulation of assessment for the subject property entered into between the appellant and the board of review following a local board of review hearing must be carried over and applied to the 2008 appeal.

In support of the overvaluation claim, the appellant submitted an appraisal and 17 suggested comparable properties.<sup>1</sup> The

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<sup>1</sup> Information regarding each comparable was taken from a web-site printout of the property record card submitted by the appellant.

comparables are located in Michaels Place, Kingston Hills, Pine View Hills and Meadows Edge subdivisions. They consist of two-story dwellings built from 1991 to 2003. Each home was described as having a full basement and air conditioning, and 16 were described as having a fireplace. The homes contained from 2,881 to 4,561 square feet of living area. The comparables sold from February 1991 to June 2007 for prices ranging from \$66,000 to \$562,500. Detailed information such as land square footage, exterior construction, basement finish and garages was not included.

In further support of the overvaluation claim, the appellant submitted an appraisal prepared by Dave Richmond. The appraisal depicted a valuation date of January 1, 2007 in the amount of \$510,000. The appraiser was not present at the hearing to provide direct testimony in support of the appraisal. The appraiser utilized a comparable sales analysis and a cost approach to estimate the subject's market value.

In the cost approach, the appraiser determined a land value of \$165,000 from similar land sales located in the subject's market area. The appraiser consulted the Marshall & Swift Cost Service in estimating a reproduction cost new of the improvements of \$438,010. Depreciation of \$93,859 was subtracted from this figure, leaving a depreciated value of the improvements of \$344,151, to which site improvements of \$20,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$529,200.

In the sales comparison approach, the appraiser examined three comparable properties. The comparables are situated on lots ranging in size from 13,500 to 23,700 square feet and are improved with two-story style brick or brick and frame dwellings that ranged from 3 to 15 years old and range in size from 3,285 to 3,500 square feet of living area. Features of the comparables include central air-conditioning, three-car garages and basements, one of which has some finished area. Two comparables have a fireplace. The comparables sold in May or June 2007 for prices ranging from \$470,000 to \$524,000 or from \$142.42 to \$149.71 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as site size, exterior construction, basement finish, size and fireplaces. After making these adjustments, the comparables had adjusted sales prices ranging from \$484,000 to \$529,000 or from \$146.66 to \$155.25 per square foot of living area including land. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$500,000.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach with secondary weight given to the cost approach to arrive at a final opinion of value of \$510,000 as of January 1, 2007. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$177,089 was disclosed. In support of the subject's assessment, the board of review did not submit its own market value evidence, but instead submitted a grid analysis of the appellant's comparables, a map, property record cards and a grid analysis of equity comparables. The subject's total assessment of \$177,089 reflects an estimated market value of approximately \$532,759 or \$155.73 per square foot of living area, including land, using the 2008 three-year median level of assessments of 33.24% for Will County as determined by the Illinois Department of Revenue. Based on this evidence, the board of review requested confirmation of its assessment.

After hearing the testimony and considering the evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant argued in part that a 2007 stipulation of assessment for the subject property entered into between the appellant and the board of review following a local board of review hearing must be carried over and applied to the 2008 appeal. Property Tax Appeal Board rule 1910.50(a) (86 Ill.Admin Code 1910.50(a)) states in relevant part:

All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record . . . .

86 Ill.Admin. Code 1910.50(a).

Therefore, the Property Tax Appeal Board gives no weight or consideration to the stipulation entered into between the appellant and the board of review the year prior to the assessment date at issue in this appeal.

The appellant also contends overvaluation as a basis of the appeal. The Board further finds a reduction in the subject property's assessment is not warranted. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2<sup>nd</sup> 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellant has not met this burden.

The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$510,000 as of January 1, 2007. The appraiser was not present at the hearing to provide direct testimony or subject to cross examination regarding his methodology or final value conclusions, therefore, the Board will only consider the

raw sales data contained within the appraisal report. The Board gave no weight to the equity assessment comparables submitted by the board of review because they do not sufficiently address the appellant's market value argument.

The raw sales data taken from the appraisal and three of the 17 sales comparables depict the comparables sold for prices ranging from \$142.42 to \$177.09 per square foot of living area, including land. The Board gave no weight to the appellant's other 14 sales comparables (comparable #4 through #17) because the date of sale for each comparable was too remote in time to aid in a determination of the subject's fair market value in 2008. The Board finds the comparables included in the appraisal and comparables #1 through #3 submitted by the appellant to be the best evidence of the subject's estimated market value and were generally very similar to the subject. The subject has an estimated market value of \$532,759 or \$155.73 per square foot of living area, including land, as reflected by its assessment. The subject's estimated market value is only slightly higher than comparable #3 (a slightly inferior property) submitted by the appellant, which sold in June 2007 for \$524,000, and is within the established range on a per-square-foot basis after considering the most similar sales comparables contained in this record. The Board finds the subject is superior in most respects to each comparable submitted based on the evidence submitted. After considering adjustments and the differences in the suggested comparables when compared to the subject property, the Board finds the subject's assessment is supported by the most comparable properties contained in this record and a reduction in the subject's assessment is not warranted.

In conclusion, the Board finds the appellant has not demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is correct and a reduction is not 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

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: December 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.