



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

APPELLANT: Anthony Guidera
DOCKET NO.: 09-00139.001-R-1
PARCEL NO.: 21-14-21-405-035-0000

The parties of record before the Property Tax Appeal Board are Anthony Guidera, the appellant, by attorney Mitchell L. Klein of Schiller Klein, PC, in Chicago, 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: \$21,000
IMPR.: \$38,706
TOTAL: \$59,706

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 11,000 square feet of land area is improved with a two-story frame and masonry exterior constructed single family dwelling that is 2 years old. The dwelling contains approximately 2,627 square feet of living area¹ with a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage of 658 square foot. The subject property is located in Monee, Monee Township, Will County.

The appellant's appeal contends the market value of the subject property is not accurately reflected in its assessed valuation based on both a recent sale and an appraisal. In Section IV of the Residential Appeal form, the appellant reported the subject property was purchased on September 17, 2009, approximately nine months after the valuation date at issue in this appeal of

¹ The appellant's appraiser reported a dwelling size of 2,636 square feet of living area supported with a schematic drawing. The assessing officials report a dwelling size of 2,627 square feet of living area with a schematic drawing as part of the subject's property record card. The Board finds the size difference is insignificant in determining proper market value.

January 1, 2009, for a price of \$180,000. The appellant indicated the subject property was sold by the owner through the use of Agent Robert O'Hara with Remax Southwest/Coldwell Banker, the property was advertised on the open market with using the Multiple Listing Service and the parties to the transaction were not related. The appellant also submitted a copy of the Real Estate Contract dated July 6, 2009 and the Settlement Statement dated September 17, 2009 both of which disclose a sales price of \$180,000.

Also in support of the overvaluation argument, the appellant submitted an appraisal prepared by real estate appraiser Michael Frazier estimating the subject property had a market value of \$180,000 as of July 16, 2009. The stated purpose of the appraisal was for a "purchase transaction" and the appraisal was performed for a lender, HomeQuest Mortgage Corp. in Lombard.

The appraiser reported the subject's July 2009 contract purchase price was \$180,000 "with no known sales concessions" and the seller is the owner of public record. As to the history of sales of subject, the appraiser acknowledged in October 2007 the subject sold for \$422,000.

In the report, the appraiser noted that "loan discounts, interest buydowns, and sales concessions are typical of this market area at the present time." The report also includes a "Market Conditions Addendum to Appraisal Report" noting that REO sales were common in the current market and were used in this appraisal. "REO properties appear to be increasing in the market area, and to be a contributing factor in the declining market." The appraiser concluded there was moderate sales activity in the subject's market area with median sales prices of comparables declining at the rate of 4% during the previous year.

In the cost approach to value, the appraiser estimated the subject's land value at \$2,000 using the extraction method. Using Marshall & Swift, the appraiser determined a replacement cost new for the subject dwelling including the basement and garage of \$179,275. Physical depreciation of \$5,970 was calculated resulting in a depreciated value of improvements of \$173,305. Next, a value for site improvements of \$5,000 was added. Thus, under the cost approach, the appraiser estimated a market value of \$180,305 for the subject.

Under the sales comparison approach, the appraiser used sales of three comparable homes and one listing that was on the market for 394 days of 3-year-old, two-story brick or brick and frame dwellings. The sale properties had been on the market for either 105 or 181 days prior to sale. The comparables were located between 0.01 and 0.19 of a mile from the subject property and two were located on the same street as the subject property. The parcels range in size from 10,150 to 13,832 square feet of land area. The homes range in size from 2,377 to 2,920 square feet of living area and feature unfinished basements, central air conditioning and a two-car or three-car garage. The three

comparables sold out of foreclosure between April and June 2009 for prices ranging from \$166,500 to \$190,000 or from \$63.36 to \$76.21 per square foot of living area including land. Comparable listing #4 had an asking price of \$198,000 or \$76.04 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for date of sale, exterior construction, bathrooms, dwelling size, garage size, "deferred maintenance" and "foreclosure." In an addendum, the appraiser reported the subject was missing a small amount of vinyl siding and some soffit so that an across-the-board adjustment for deferred maintenance was made. This analysis resulted in adjusted sales prices for the comparables ranging from \$178,400 to \$193,700 or from \$62.67 to \$77.70 per square foot of living area land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$180,000 or \$68.52 per square foot of living area including land based on the assessor's size determination of 2,627 square feet of living area.

The appraiser reconciled the two value conclusions to an estimate of value for the subject of \$180,000 relying primarily upon the sales comparison approach as reflective of buyer/seller attitudes which was supported by the cost approach to value.

Based on the evidence, the appellant requested a reduction in the subject's total assessment to approximately \$60,000 to reflect the estimated market value set forth in the appraisal and purchase price.

The board of review submitted its "Board of Review - Notes on Appeal" wherein the subject's final assessment of \$122,323 was disclosed. The final assessment of the subject property reflects a market value of \$368,776 or \$140.38 per square foot of living area including land using the 2009 three-year median level of assessments for Will County of 33.17%.

As to the appraisal report, the Monee Township Assessor wrote a letter criticizing the sales used in the appraisal because they were built in 2006 (being three years old) and were foreclosed in 2008. The assessor further reported the appraiser's four comparables originally sold in 2006 for prices of \$400,000 or \$415,000.

In support of the subject's estimated market value based on its assessment, the assessor presented a two-page grid analysis of five suggested comparable properties, three of which had sold. The sold properties were located in the subject's subdivision and have similar sized parcels to the subject. The dwellings are two-story frame and masonry structures built in 2006 or 2007. The homes contain either 2,670 or 2,682 square feet of living area and feature full unfinished basements, central air conditioning, one or two fireplaces and garages ranging in size from 471 to 509 square feet of building area. The properties

sold between January and October 2007 for prices ranging from \$335,000 to \$422,000 or from \$124.91 to \$157.35 per square foot of living area including land.

Next, the Property Tax Appeal Board finds that submission of equity comparables by the assessor in response to the appellant's overvaluation argument is not responsive and the board of review's additional equity comparables will not be further addressed herein.

Based on the foregoing evidence, the board of review requested confirmation of the subject's 2009 estimated market value as reflected by its assessment.

In written rebuttal, the appellant reiterated that the appeal was based on overvaluation supported by both an appraisal and a recent purchase of the subject property.

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 that a reduction in the subject's assessment is warranted.

The appellant 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 (3rd 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 appellant submitted the September 2009 purchase price of the subject property for \$180,000 and an appraisal of the subject property with a final value conclusion as of July 2009 of \$180,000. The board of review's presentation of three sales of properties in the subject's subdivision from January to October 2007 does not overcome the appellant's evidence regarding the subject property that is more proximate in time to the assessment date of January 1, 2009. In light of the appraiser's market analysis, the Board finds that declining sales prices were occurring in the subject's market area for the prior year. Based on this analysis and the sales prices of neighboring properties in April to June 2009 as reported in the appraisal, the subject's recent sale price is warranted. The subject's estimated market value based on its assessment is \$368,776 which is higher than its recent sale price and the value of opinion as reported in an appraisal. Giving equal weight to the sale price and the appraisal conclusion, the Property Tax Appeal Board finds that the subject property has a market value as of January 1, 2009 of \$180,000.

Based upon the market value determination 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 2009 of 33.17% 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.