



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

APPELLANT: Thomas & Sandra Homer  
DOCKET NO.: 09-00163.001-R-1  
PARCEL NO.: 12-02-05-306-018-0000

The parties of record before the Property Tax Appeal Board are Thomas & Sandra Homer, the appellants, by attorney Thomas J. Homer of Thomas J. Homer, P.C., in Naperville; 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:** \$50,200  
**IMPR.:** \$250,000  
**TOTAL:** \$300,200

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject parcel of 17,030 square feet is improved with a part one-story and part two-story dwelling of masonry construction containing 4,165 square feet of living area. The dwelling was built in 1997 and features a partial unfinished basement, central air conditioning, two fireplaces and a three-car attached garage. The property is located in DuPage Township, Will County, Illinois.

Thomas Homer appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellants submitted an appraisal report prepared by a state licensed appraiser. The appraisal conveys an estimated market value for the subject property of \$738,000 as of January 1, 2009, using two of the three traditional approaches to value. The appraiser, Dave Reardon, was present at the hearing and provided testimony in connection with the appraisal report.

Under the cost approach to value, the appraiser estimated the subject property had a market value of \$738,080. Under the sales comparison approach to value, the appraiser utilized three suggested comparable sales to estimate a market value for the subject property of \$738,000. The comparables are located from 0.08 to 0.49 miles from the subject property. The comparables consist of two-story dwellings of frame and masonry construction that contain between 3,824 to 4,427 square feet of living area. The dwellings range in age from 5 to 20 years old. Two comparables have full finished basements and one comparable has a full unfinished basement. Other features include air conditioning and either a two-car or three-car garage. The comparables sold in July 2008 or December 2008 for prices ranging from \$665,000 to \$865,000 or from \$166.03 to \$226.20 per square foot for living area including land.

Based on this evidence, the appellants requested a reduction in the subject's assessment to \$246,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$336,600 was disclosed. The subject's assessment reflects an estimated market value of \$1,014,772 including land using Will County's 2009 three-year median level of assessments of 33.17%.

The board of review pointed out the subject property is an owner occupied residential property that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 08-06084.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$300,200 based on the preponderance of the evidence.

As a result, the board of review offered to stipulate to a total assessment amount of \$300,200 based on Section 16-185 of the Property Tax Code, which states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, **subject to equalization, shall remain in effect for the remainder of the general assessment period** (Emphasis Added) as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185)

The appellant subsequently requested, and was granted, 15 days to research and respond to the issue. The appellant did respond to the Property Tax Appeal Board by writing in part: "I found no case law which would arguably provide an exception to this

provision [sic. (35 ILCS 200/16-185)] as it relates to the facts of my appeal. As a result, I agree with the position taken by the Board of Review at the hearing that the decision of the PTAB rendered on 8/19/2011 reducing the 2008 assessment (Docket No. 08-06084.001-R-1) should be applied to the 2009 assessment subject only to the multiplier."

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 Board further finds a reduction in the subject's assessment is warranted.

Based on this statutory language contained within Section 16-185 of the Property Tax Code (35 ILCS 200/16-185), the Board finds the 2008 assessment decision shall be carried forward to the 2009 assessment plus the application of the equalization factor. The record contains no evidence indicating the subject property sold in an arm's-length transaction subsequent to the Board's decision or that the Board's 2008 decision was reversed or modified upon review. The Board finds the subject's final assessment for the 2009 assessment year, as calculated by the board of review, follows the directives outlined in Section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). Therefore, the Board finds that the stipulated assessment amount of \$300,200 for the subject property, agreed to by both parties, is appropriate.

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.

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Chairman

*K. L. Ferr*

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Member

*Richard A. Huff*

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Member

*Marko M. Louie*

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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*

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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.