



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

APPELLANT: John Kappas
DOCKET NO.: 09-00225.001-R-1
PARCEL NO.: 06-03-28-302-003-0000

The parties of record before the Property Tax Appeal Board are John Kappas, the appellant; 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: \$34,588
IMPR: \$125,412
TOTAL: \$160,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a part two-story and part one-story brick and frame dwelling containing 4,213¹ square feet of living area that were built in 1993. Features include a full basement, central air conditioning, a fireplace and a 787 square foot three-car attached garage. The dwelling is situated on approximately $\frac{3}{4}$ of an acre lot. The subject property is located in Plainfield Township, Will County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a grid analysis of four suggested comparable sales located from $\frac{3}{4}$ of a mile to one mile from the subject. The comparables consist of two-story, brick or brick and frame dwellings that were reported to be built from 1990 to 1998. Features include central air conditioning, one or two fireplaces and garages that range in size from 656 to

¹ The appellant reported the subject dwelling contains both 3,830 and 4,064 square feet of living area, but submitted no evidence to support either size contention. The board of review submitted the subject's property record card with a schematic drawing of the dwelling depicting 4,213 square feet of living area. The Board finds the best evidence in this record shows the subject dwelling contains 4,213 square feet of living area.

906 square feet. The appellant indicated comparables 2 and 4 have some finished basement area. The dwellings range from 2,820 to 3,710 square feet of living area and are situated on lots that range in size from 13,920 square feet to $\frac{3}{4}$ of acre of land area. The comparables sold from August 2006 to April 2008 for prices ranging from \$360,000 to \$419,000 or from \$97.04 to \$134.75 per square foot of living area including land. The appellant calculated these comparables have an average sale price of \$118.75 per square foot of living area including land.

In further support of the overvaluation claim, the appellant submitted a list of 11 additional comparables that are reportedly located within one mile from the subject in the north Naperville area. The comparables consist of two-story dwellings that range in size from 3,500 to 4,400 square feet of living area. The appellant did not provide the comparables' land sizes, exterior construction, age, or features such as basements, central air conditioning, fireplaces, and garages. The comparables sold or were listed for sale from August 2005 to October 2009 for prices ranging from \$297,000 to \$500,000 or from \$81.50 to \$132.85 per square foot of living area including land.

The appellant argued property values have been decreasing, yet assessments and taxes continue to increase. 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 final assessment of \$187,362 was disclosed. The subject's assessment reflects an estimated market value of \$564,854 or \$134.07 per square foot of living area including land using Will County's 2009 three-year median level of assessments of 33.17%.

In support of the subject's assessment, the board of review submitted a memorandum addressing the appeal, property record cards, photographs, Real Estate Transfer Declarations and an analysis of five suggested comparable sales.

The comparables consist of two-story frame and brick dwellings that were built from 1992 to 1999. The comparables are located in the subject's subdivision. The analysis did not disclose the comparables land sizes, but described the lots sizes as "typical." Features include full basements, central air conditioning, a fireplace and three-car garages. The dwellings range in size from 2,731 to 3,580 square feet of living area. The comparables sold from March 2006 to December 2007 for prices ranging from \$520,000 to \$634,000 or from \$153.51 to \$198.65 per square foot of living area including land.

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

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 a reduction in the subject's assessment is warranted.

The appellant argued the subject property is overvalued. 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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the evidence has overcome this burden.

The record contains market information for 20 suggested comparables for the Board's consideration. The Board gave little weight to the five comparables submitted by the board of review. These sales occurred in 2006 or 2007, which are dated and less reliable indicators of market value as of the subject's January 1, 2009 assessment date. Additionally, three comparables submitted by the board of review are considerably smaller when compared to the subject dwelling. Likewise, the Board gave less weight to eight of the suggested comparable sales submitted by the appellant due to their sales dates from 2005 to 2007. Furthermore, two comparables submitted by the appellant are considerably smaller in dwelling size when compared to the subject.

The Board finds the five remaining comparables that were submitted by the appellant are more similar when compared to the subject in location, land area (if disclosed), design, age, dwelling size and features. These comparables sold or were listed for sale from March 2008 to October 2009 for prices ranging from \$297,000 to \$500,000 or from \$81.50 to \$125.00 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$564,854 or \$134.07 per square foot of living area including land, which falls above the range established by the most similar comparables contained in this record. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is excessive.

As a final point, in reviewing the market value evidence contained in this record submitted by both parties, the Board finds the appellant's claim that property values have declined since 2007 is well documented in this record. Based on this analysis, the Board finds a preponderance of the most credible market value evidence contained in this record supports a reduction in subject's assessment.

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: November 30, 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.