



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

APPELLANT: Robert & Faye Lessner
DOCKET NO.: 09-00596.001-R-1
PARCEL NO.: 22-22-16-210-029-0000

The parties of record before the Property Tax Appeal Board are Robert & Faye Lessner, the appellants, 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: \$17,752
IMPR.: \$72,248
TOTAL: \$90,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 4-year old, two-story dwelling of frame and masonry construction containing approximately 2,400 square feet of living area with a full unfinished basement, central air conditioning, a fireplace and an attached two-car garage. The property is located in Beecher, Washington Township, Will County.

The appellants' appeal is based on overvaluation of the subject property. In support of this market value argument, the appellants submitted information on four sales comparables in a grid analysis along with a copy of a fifth comparable as displayed on a Multiple Listing Service sheet. The five comparables are improved with two-story frame and masonry dwellings that are located within about ½-mile of the subject. The comparables range in age from 3 to 6 years old and contain approximately from 2,000 to 3,000 square feet of living area. The homes have unfinished basements, central air conditioning and a three-car garage. Each of the comparables have one or two fireplaces. The sales occurred from October 2008 to November 2009 for prices ranging from \$180,000 to \$270,000 or from \$63.38 to \$110.00 per square foot of living area, including land. Based

on this evidence, the appellants requested a reduction in the subject's total assessment to \$90,000 which would reflect a market value of approximately \$270,000 or \$112.50 per square foot of living area including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$109,372 was disclosed. The subject's assessment reflects an estimated market value of \$329,732 using the 2009 three-year median level of assessments for Will County of 33.17%.

In response, the board of review presented a letter from the Washington Township Assessor who indicated that the appellants "used two (2) invalid sales and three (3) sales that occurred after January 1, 2009." The assessor provided the PTAX-203 Illinois Transfer Declarations for the two (2) 'invalid' sales which documents both reveal that the properties were advertised for sale or sold using a real estate agent. However, also according to these documents the appellants' comparable #2 was sold by a financial institution and appellants' comparable #3 was a "sale in lieu of foreclosure."

The assessor also provided a property record with descriptive and sale data on one comparable which was a two-story frame and masonry dwelling of unknown age. The home contains 2,311 square feet of living area and includes a full basement. No other descriptive information was available on the property record card. The comparable sold in September 2008 for \$331,881 or \$143.61 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 appellants contend the assessment of the subject property is excessive and not reflective of its 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). The Board finds the evidence in the record does support a reduction in the subject's assessment.

The parties submitted a total of six comparable sales for the Board's consideration. The comparables were all somewhat similar to the subject in location, age, design, exterior construction, size and features. Since the issue before the Property Tax Appeal Board is the best evidence of the subject's market value as of January 1, 2009, the Board has afforded less weight to appellants' comparables #3 and #5 which occurred in September and November 2009 and thus were most distant from the valuation date. The Board finds the remaining four comparables submitted by both parties were most proximate in time to the valuation date of

January 1, 2009 and have received the most weight in the Board's analysis. These comparables sold between September 2008 and March 2009 for prices ranging from \$220,000 to \$331,881 or from \$79.66 to \$143.61 per square foot of living area, including land. The subject's assessment reflects a market value of approximately \$329,732 or \$137.39 per square foot of living area, including land, using the three-year median level of assessments for Will County of 33.17%. The four sales indicate decreasing prices from a high of \$331,881 in September 2008 to \$239,000 in March 2009 which supports a contention that the subject property was overvalued as of January 1, 2009.

Given the entire record of sales evidence, the Board finds the subject's assessment reflects a market value that is excessive as of the assessment date at issue. After considering the most comparable sales on this record, the Board finds the appellants did demonstrate the subject property's assessment to be excessive in relation to its market value. The Board finds that a reduction in the subject's assessment is warranted in accordance with the appellants' request.

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

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.