



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

APPELLANT: Eric Dunlop
DOCKET NO.: 09-00801.001-R-1 through 09-00801.007-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Eric Dunlop, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-00801.001-R-1	23-15-03-204-009-0000	1,802	0	\$1,802
09-00801.002-R-1	23-15-03-204-017-0000	1,802	110,050	\$111,852
09-00801.003-R-1	23-15-03-204-014-0000	1,802	0	\$1,802
09-00801.004-R-1	23-15-03-204-015-0000	1,802	0	\$1,802
09-00801.005-R-1	23-15-03-204-016-0000	1,802	0	\$1,802
09-00801.006-R-1	23-15-03-204-018-0000	1,802	0	\$1,802
09-00801.007-R-1	23-15-03-204-019-0000	1,802	0	\$1,802

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a part one-story and part two-story stone and frame dwelling that contains 3,319 square feet of living area. The dwelling was constructed in 2003. Features include a full unfinished basement, central air conditioning, a fireplace and a porch. The property has 1,134 square feet of garage space that is described as "attached" or "built in". Additionally, the property has a 1,508 square foot detached garage/metal outbuilding. The improvements are situated on 34,090 square feet of land area that is made up of seven separate parcels. The subject property is located in Crete Township, Will County, Illinois.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted two limited appraisals of the subject property. The first appraisal was prepared by Calin

Nelson, who was not present at the hearing for direct or cross-examination regarding the appraisal methodology and final value conclusion. The appraisal report conveyed an estimated market value for the subject property of \$325,000 as of March 8, 2006. The two page appraisal report contained no data to support the value conclusion, such as the three traditionally accepted approaches to value.

The second limited appraisal was prepared by Gerald F. Fiskow, who was not present at the hearing for direct or cross-examination regarding the appraisal methodology and final value conclusion. The appraisal report was not signed by the appraiser. Using one of the three traditional approaches to value, the appraisal report conveyed an estimated market value for the subject property of \$300,000 as of March 27, 2009.

The appraisal indentified only parcel number (improved parcel 23-15-03-204-017) as being appraised, but also listed seven lots in the legal description section. Under site comments, the report indicates:

No adverse encroachments were observed. The subject site consists of 7 smaller lots. One (lot) functions as ingress to the other six which run north to south. A gas pipe line runs diagonally through the lot that functions as ingress to the other six and through the north 3 lots. The easement limits any use of those lots for any permanent structures. While the easement has an adverse impact on the full use of the subject's site, it should not have an adverse impact on marketability. The subject backs up to a stand of trees which should have positive market recognition.

Under the sales comparison approach to value, the appraiser utilized three suggested comparable sales and one active listing. The comparables were described as a one and one-half story dwelling, a two-story dwelling and a split-level dwelling. The dwellings are of brick and frame construction that are from 6 to 28 years old. Features have varying degrees of similarity when compared to the subject. The dwellings are reported to range in size from 2,963 to 3,870 square feet of living area. Lot sizes ranged from 14,250 to 27,970 square feet of land area. The source of the descriptive information was not disclosed. Comparables 1 through 3 sold from May 2007 to January 2009 for prices ranging from \$320,000 to \$417,000 or from \$82.69 to \$132.42 per square foot of living area including land. Comparable 4 was listed for sale as of October 2008 for \$309,900 or \$104.59 per square foot of living area including land.

The appraiser made various adjustments to the comparables for differences when compared to the subject for view, room count, living area, finished basements, garage size, and ancillary features like fireplaces. Additionally, the appraiser adjusted comparables 1, 3 and 4 for date of sale or "list to sell." The appraiser also adjusted comparable 3 by -\$10,800 for sale or

financing concessions. The appraiser did not adjust the comparables for their smaller lots sizes or age differences when compared to the subject. The report did not contain any explanation regarding the rationale or source for the adjustment amounts. The adjustments resulted in adjusted sale or listing prices ranging from \$284,602 to \$340,920 or from \$80.05 to \$113.70 per square foot of living area including land. Based on the adjusted sale prices, the appraiser estimated the subject property had a fair market value of \$300,000 or \$88.26 per square foot of living area including land under the sales comparison approach.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a fair market value of \$285,000, which is less than both appraisal reports. The appellant explained lower value request is based the current economic environment and consideration for the loss in value due to the pipeline easement.

Under cross-examination, the appellant testified the existence of the pipeline "is not a major issue, but the subject parcels land configuration may decrease its value."

At the hearing, the board of review objected to the value conclusions in both appraisal reports. The board of review argued neither appraiser was present at the hearing for cross-examination regarding the appraisal methodology and final value conclusions. The Property Tax Appeal Board reserved ruling on the objection.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject parcels' total assessment of \$122,664 was disclosed. The subject's assessment reflects an estimated market value of \$369,804 or \$108.80 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 letter from the township assessor, property record cards, an analysis of the comparable sales used in the appellant's second appraisal report and an analysis of four additional comparable sales.

Based on property record cards, the board review pointed out the appellant's appraiser used incorrect dwelling sizes for the comparables. Comparable 3 was incorrectly described as a split level dwelling whereas its property record card and photograph depict a two-story dwelling.

The four additional comparable sales submitted by the board of review consist of one and one-half or two-story brick and frame dwellings that were built from 1991 to 2004. The comparables have full or partial basements, one of which has 790 square feet of finished area. The comparables have central air conditioning and one or two fireplaces. Attached garages range in size from

495 to 768 square feet. The dwellings are situated on lots that range in size from 4,165 to 42,722 square feet of land area. The comparables sold from April 2006 to June 2009 for prices ranging from \$180,000¹ to \$420,000 or from \$67.39 to \$142.77 per square foot of living area including land.

The Crete Township Assessor, Sandy Drolet, was present at the hearing and provided testimony in connection with this appeal. She provided testimony regarding how the subject's assessment was calculated, dating back to 2003.

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

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 Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property was 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). The Board finds the appellant has not overcome this burden of proof.

The appellant submitted two appraisal reports estimating market values for the subject property of \$325,000 as of March 8, 2006 and \$300,000 as of March 27, 2009. The board of review submitted four suggested comparable sales to support its assessment of the subject property.

The Property Tax Appeal Board gave no weight to both appraisal value conclusions submitted by the appellant. The appellant's appraisers were not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology and final value conclusion. For example, the appraiser was not present to answer questions regarding the similarity or lack thereof of the comparables selected for comparison to the subject. The appraisers were not present to answer questions regarding the source and verification of the descriptive information for the subject and comparables. As a result, the Board hereby sustains the objection raised by the board of review at hearing.

Without the testimony of the appellant's appraisers, the Board was not able to accurately determine the credibility, reliability and validity of the value conclusion. In Novicki v. Department

¹ Comparable 3, which sold for \$180,000 or \$67.39 per square foot of living area including land, had a previous sale in June 2007 for \$369,900 or \$138.49 per square foot of living area including land. The assessor indicated the 2009 sale was "invalid", but did not provide any further evidence that suggests the 2009 sale was not an arm's-length transaction.

of Finance, 373 Ill. 342, 26 N.E.2d 130 (1940), the Supreme Court of Illinois stated, "[t]he rule against hearsay evidence, that a witness may testify only as to facts within his personal knowledge and not as to what someone else told him, is founded on the necessity of an opportunity for cross-examination, and is basic and not a technical rule of evidence." Novicki, 373 Ill. at 344. In Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill.App.3d 887, 450 N.E.2d 788, 71 Ill.Dec. 100 (1st Dist. 1983) the appellate court held that the admission of an appraisal into evidence prepared by an appraiser not present at the hearing was in error. The court found the appraisal was not competent evidence stating: "it was an unsworn ex parte statement of opinion of a witness not produced for cross-examination." This opinion stands for the proposition that an unsworn appraisal is not competent evidence where the preparer is not present to provide testimony and be cross-examined.

The Board, however, will further examine the raw sales data contained in this record, including the sales in the appellant's second appraisal report. The Board finds many of the comparable sales contained in the appellant's second appraisal report and the comparables sales presented by the board of review are not that particularly similar to the subject. For example, appellant's appraiser's comparables 1 and 2 are older in age than the subject. Appellant's appraiser's comparable 2, 3 and 4 have considerably less land area than the subject. Comparable listing 4 is considerably smaller in dwelling size when compared to subject, based on the property record card submitted by the board of review. Comparables 2 and 4 submitted by the board of review sold in 2006, which are dated and not reliable indicators of market value as of the subject's January 1, 2009 assessment date. Thus, board of review comparables 2 and 4 received little weight in the Board's final analysis. Additionally, the Board finds none of the comparables submitted by the parties have a large detached garage/outbuilding like the subject. However, the Property Tax Appeal Board is statutorily bound to find the correct assessment of a property legally under appeal, regardless of the quality of the evidence.

Based on this record, the Board finds appellant's appraiser's comparable 1 sold in May 2007 for \$417,000 or \$132.42 per square foot of living area including land. This property is older, has a slightly smaller lot, and does not enjoy the large garage/outbuilding as the subject. This sale lends support to the subject's estimated market value of \$369,804 or \$108.80 per square foot of living area including land assessment as reflected by its assessment.

Appellant's appraiser's comparable 2 sold in January 2009 for \$320,000 or \$82.69 per square foot of living area including land. This property is inferior to the subject. The dwelling is older; it has a considerably less land area and does not enjoy the large garage/outbuilding as the subject. The Board finds this sale also lends support to the subject's estimated market value of

\$369,804 or \$108.80 per square foot of living area including land assessment as reflected by its assessment.

Appellant's appraiser's comparable 3 sold in June 2007 for \$359,912 or \$119.97 per square foot of living area including land. This property is similar to the subject in age, but is slightly smaller in dwelling size. This comparable is also inferior to the subject in lot size and does not have the large garage/outbuilding as the subject. The Board finds this sale also lends support to the subject's estimated market value of \$369,804 or \$108.80 per square foot of living area including land assessment as reflected by its assessment.

Board of review comparable 1 is similar to the subject in design and size, but is 10 years older, has a considerably smaller lot and does not have a large garage/outbuilding when compared to the subject. This comparable sold in November 2007 for \$420,000 or \$137.80 per square foot of living area including land. The Board finds this sale also lends support to the subject's estimated market value of \$369,804 or \$108.80 per square foot of living area including land assessment as reflected by its assessment.

Board of review comparable 3 is similar to the subject in design and age, but is smaller in dwelling size, has a considerably smaller lot and does not have a large garage/outbuilding when compared to the subject. This comparables sold twice. Comparable 3 sold in June 2007 for \$369,900 or \$138.49 per square foot of living area including land and again in June 2009 for \$180,000 or \$67.39 per square foot of living area including land. The subject's estimated market value of \$369,804 or \$108.80 per square foot of living area including land as reflected by its assessment falls between these two sale prices.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence in this record. Therefore, no reduction in the subject's assessment is justified.

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: June 22, 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.