



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

APPELLANT: John P. & Deborah A. Sweeney
DOCKET NO.: 09-00820.001-R-1
PARCEL NO.: 12-02-02-415-014-0000

The parties of record before the Property Tax Appeal Board are John P. & Deborah A. Sweeney, 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: \$14,000
IMPR.: \$80,535
TOTAL: \$94,535

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel with a golf course view¹ is improved with a part one-story and part two-story frame exterior constructed dwelling built in 1993. The dwelling contains approximately 2,552 square feet of living area² with a full basement which is 70% finished, central air conditioning, a fireplace and an attached two-car garage. The subject property is located in Bolingbrook, DuPage Township, Will County.

The appellants' appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellants submitted two

¹ Both appraisers presented by the appellants and the board of review contend the subject has a golf course view, however, in rebuttal the appellants contend the parcel's view is "obstructed" by all kinds of trees (pine trees and others).

² The appellants' appraisers reported a dwelling size of 2,497 supported by a schematic drawing. The assessing officials reported a dwelling size of 2,552 square feet with a schematic drawing. All of the schematic drawings appear similar and the difference in conclusions is presumably due to rounding in some measurements.

appraisals prepared by Lenders Choice Inc. of Naperville for refinance transactions. Both appraisers appraised the fee simple interest in the property to arrive at their respective market value conclusions using the sales comparison approach to value with adjustments to the comparables for differences discussed both in a grid analysis and in an addendum to the report. The appraisers also prepared a "Market Conditions Addendum to the Appraisal Report" discussing inventory and median sales/listing prices. In the second report, the appraiser reported research revealed "25 sales listed [were] short sales, foreclosure or subject to court approval within this market segment over the past 12 months" representing 30% of the sales. Furthermore, the appellants argued in a letter that the appraisers' value conclusions should be reduced by an additional 10% as "the depths of the real estate collapse was around 1-1-2009 based upon all kinds of economic statistics (enclosed) as well as 'common sense'" meaning the estimates in April and October 2009 were higher than they would have been on January 1, 2009.

The first appraisal written by Jason R. Ricke and supervised by Loren F. Schiro has a value conclusion of \$285,000, but no effective date of value on pages 2 or 6 of the report although the document is dated April 29, 2009. The second appraisal was written by Frank R. Schiro and has a value conclusion of \$285,000 as of October 17, 2009.

The appellants included a three-page document entitled "National HPI [Home Price Index] for May - Home Prices Down 9.2% vs. 2008." Also attached was a copy of the appellants' property tax bill for 2008.³ A copy of the property record card of the subject property with hand-written changes to the schematic drawing was submitted and a hand-written notation of 2,474 square feet. Also submitted were two Multiple Listing Service sheets reflecting sales of properties reportedly in close proximity to the subject that were listed in September and December 2009 for asking prices of \$175,000 and \$217,900, respectively.

Based on this foregoing evidence, the appellants requested a reduction in the subject's total assessment to \$85,500 which would reflect a market value of approximately \$256,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$112,400 was disclosed. The final assessment of the subject property reflects a market value of \$338,860 or \$132.78 per square foot of living area including land using the 2009 three-year median level of assessments for Will County of 33.17%.

The board of review submitted a four-page letter from the DuPage Township Assessor along with supporting documents. As to the dwelling size difference between the appraisers and the assessing

³ The Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation. (86 Ill.Admin.Code §1910.10(f)).

officials, the assessor remarked that the difference did not materially affect the assessment. As to the first appraisal, the assessor argues that the lack of a valuation date should result in giving little credibility to the report. The assessor contends that both appraisal reports contain similar mistakes involving reported sale price, dwelling size and what the assessor believes to be inconsistency in adjusted sales price and value conclusion for the subject. The assessor also asserts that sales after January 1 "are inappropriate." Criticisms were also set forth as to the location of the comparables, the "validity" of the sale (Sale #1 was sold "by an investment company"), the use of listings rather than closed sales and consideration of a property in a "special services area" which has a negative influence of an additional annual tax burden that the appraiser failed to account for.

The assessor also addressed in the letter the appellants' argument to further reduce the subject's value based on national home price index data.

In support of the subject's estimated market value as reflected by its assessment, the assessor prepared a spreadsheet analysis of three sales of properties which sold between January and November 2007 for prices ranging from \$325,900 to \$375,000.

Based on the foregoing evidence and based on the assertion that the appellants' appraisals are flawed, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants presented a detailed two-page letter with attachments addressing the issues raised by the assessor on behalf of the board of review. The appellants noted that the 2011 assessment of the subject property for the new quadrennial has been decreased to \$101,400 or a market value of \$304,230. The appellants submitted data to support the size conclusion on one of the appraiser's comparables from data obtained from the Will County Supervisor of Assessments' website. The appellants also contend that they have taken interior measurements of the dwelling such that the assessing officials have an erroneous dwelling size for the subject.⁴

To address the lack of a valuation date in the first appraisal, the appellants submit a new copy of that report with a date of value as of April 28, 2009.

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 subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board

⁴ The appellants are advised that standard practice for improvement size is to take exterior measurements of structures, not interior measurements.

the subsequent year under docket number 10-00820.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property based on the stipulation of the parties to an assessment of \$93,333 which would reflect a market value of approximately \$280,000 for tax year 2010.

For this 2009 assessment appeal, the appellants 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). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board finds the appellants submitted appraisals of the subject property with final value conclusions of \$285,000, while the board of review submitted no appraisal and comparable sales which occurred in 2007. In addition, the board of review criticized the sales selected by the appraisers. The sales set forth by the board of review are too distant in time to be probative of the subject's estimated market value as of January 1, 2009.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)).

The Property Tax Appeal Board finds that, despite the assessor's criticisms, the appraisals submitted by the appellants estimating the subject's market value of \$285,000 consist of the best evidence of the subject's market value in the record and is further supported by the 2010 assessment reduction afforded to this owner-occupied dwelling. (See 35 ILCS 200/16-185).

Based upon the market value 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.