



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

APPELLANT: Michael Pesek & Yvonne King
DOCKET NO.: 09-00913.001-R-1
PARCEL NO.: 05-06-06-403-011-0000

The parties of record before the Property Tax Appeal Board are Michael Pesek & Yvonne King, 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: \$36,893
IMPR.: \$70,917
TOTAL: \$107,810

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a part one-story and part two-story dwelling of frame and masonry construction containing 2,913 square feet of living area situated on a 30,000 square foot parcel. The dwelling was built in 2007 and features a full unfinished basement, central air conditioning, two fireplaces and a 976 square foot attached garage.

The appellants appeared before the Property Tax Appeal Board claiming both unequal treatment in the assessment process regarding the subject's land and improvement assessments, and overvaluation as the bases of the appeal.

In support of the land inequity argument, the appellants submitted land assessment information on four suggested comparable properties. One comparable is located two miles from the subject and three comparables are located three miles from the subject. The lots range in size from 10,000 to 12,000 square feet of land area and have land assessments ranging from \$20,651 to \$25,152 or from \$1.72 to \$2.51 per square foot of land area.

The subject has a land assessment of \$36,893 or \$1.23 per square foot of land area.

In support of the improvement inequity argument, the appellant submitted a grid analysis with information on the same four comparables. The comparables were reported to consist of two-story style frame or frame and masonry dwellings that range in age from 1 to 5 years old. The dwellings range in size from 2,984 to 3,599 square feet of living area. Features include unfinished basements, central air conditioning and garages that range in size from 400 to 700 square feet of building area. One comparable has a fireplace. The comparables have improvement assessments ranging from \$70,182 to \$80,929 or from \$20.19 to \$25.84 per square foot of living area. The subject's improvement assessment is \$92,461 or \$31.88 per square foot of living area.

In support of the overvaluation argument, the appellants' submitted sales data on the same four comparables. The comparables sold from May 2008 to November 2008 for sale prices ranging from \$266,000 to \$289,900 or from \$84.82 to \$97.15 per square foot of living area including land.

The appellants testified that their comparables have superior amenities that the subject does not enjoy, such as curbs, gutters and sidewalks. The appellants argued that the subject does not have two fireplaces, but there is a second fireplace that is "roughed-in". They also testified that the subject has a larger lot necessary for the septic system and the comparables have sewer access.

Based on this evidence, the appellants requested a reduction in the subject's land and improvement assessments.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$129,354 was disclosed. The subject's assessment reflects an estimated market value of \$389,973 or \$134.47 per square foot of living area including land using the Will County 2009 three-year median level of assessment of 33.17%.

In support of the subject's assessment, the board of review submitted a grid analysis of three suggested comparable properties. The comparables consist of part one-story and part two-story or two-story frame dwellings that were built between 2000 and 2006. The dwellings range in size from 2,809 to 2,973 square feet of living area. Two comparables have full unfinished basements and one comparable has a full, partially finished basement. Other features include central air conditioning, a fireplace and integral attached garages ranging in size from 630 to 800 square feet of building area. The board of review did not disclose the lot sizes of their comparables. The comparables have improvement assessments ranging from \$77,212 to \$99,133 or from \$25.98 to \$35.29 per square foot of living area. These comparables sold from December 2006 to July 2007 for prices

ranging from \$365,000 to \$443,500 or from \$122.81 to \$149.18 per square foot of living area including land.

The township assessor testified that that their comparables are more similar to the subject. The assessor argued that the appellants' comparables are located in an inferior market subdivision with smaller lots than the subject. The assessor acknowledged the 2006 and 2007 sale dates should have downward adjustments for time in relation to the subject's January 1, 2009 assessment date.

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

After hearing 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.

The appellants argued the market value of the subject property is not accurately reflected in its assessed valuation. 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, 331Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds the appellants have met this burden of proof and a reduction in the subject's assessment is warranted.

Both parties submitted a total of seven suggested comparable sales for the Board's consideration. The Board gave less weight to the board of review's comparables due to their 2006 and 2007 sale dates occurring from 1.5 to 2 years prior to the subject's January 1, 2009 assessment date. The Board finds the appellants' comparables had sale dates more proximate to the January 1, 2009 assessment date. They sold from May 2008 to November 2008 for sale prices ranging from \$266,000 to \$289,900 or from \$84.82 to \$97.15 per square foot of living area including land. However, the Board found these comparables have considerably less land area and are located a considerable distance from the subject. The subject's assessment reflects an estimated market value of \$389,973 or \$134.47 per square foot of living area including land, which is above the range established by the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, such as lot size and location, the Board finds the subject's assessment is excessive and a reduction is warranted.

The appellants also contend unequal treatment in both the subject's land and improvement assessment. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v.

Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds no further reduction is warranted beyond the relief previously discussed.

In conclusion, the Board finds the appellants have shown by a preponderance of the evidence presented in this record that the subject's assessment is incorrect and a reduction is warranted.

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.

Chairman

K. L. Ferr

Member

Richard A. Huff

Member

Marko M. Louie

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

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.