



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

APPELLANT: Daniel & Cindy Buhle
DOCKET NO.: 09-01012.001-R-1
PARCEL NO.: 04-10-30-301-006-0000

The parties of record before the Property Tax Appeal Board are Daniel & Cindy Buhle, the appellants, by attorney William I. Sandrick of Sandrick Law Firm, LLC, in Calumet City, 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: \$19,045
IMPR.: \$79,013
TOTAL: \$98,058

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 0.46-acre parcel improved with a nine year-old, one-story frame dwelling that contains 2,611 square feet of living area. Features of the home include central air conditioning, a fireplace, a three-car garage and a full unfinished basement.¹ The subject is located in Channahon, Channahon Township, Will County.

The appellants through legal counsel submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a Settlement Statement detailing the subject's sale in March 2008 for \$292,000, as well as an appraisal of the subject with an estimated market value of \$295,000 as of the report's effective date of February 11, 2008. The appellants argued "that the bona fide arms-length sale price of \$292,000 be used as basis for the 2008 assessed valuation." In support of this contention,

¹ The assessing officials report neither central air conditioning nor a fireplace as amenities of the subject dwelling.

Section IV of the Residential Appeal petition indicated the property was not a transfer between family or related corporations, the property was purchased from the former owner, a realtor was involved in the transaction and the property was advertised for sale through the Multiple Listing Service.

The Property Tax Appeal Board also takes notice that the property in this appeal was the subject of an appeal before the Board for the prior year under Docket No. 08-00533.001-R-1. In that appeal, the Property Tax Appeal Board reached a decision based upon equity and the weight of the evidence in the record as presented by the parties to the appeal wherein the same 2008 sale of the subject and the same appraisal evidence were presented. In that 2008 assessment appeal, the Board found a reduction in the subject's total assessment to \$98,058 was warranted. There is no indication in the record evidence whether the subject property is an owner-occupied dwelling. (See 35 ILCS 200/16-185)

Regarding the appellants' appraisal presented in this 2009 assessment appeal, State certified appraiser Kathleen M. Phillips used the cost and sales comparison approaches to value. In the cost approach, the appraiser first valued the subject lot at \$83,500 and then used Building-Cost.net and local builders cost estimates to determine a replacement cost new for the subject of \$214,711. After subtracting depreciation by the age/life method of \$8,588 and adding back site improvements of \$10,000 along with the site value, the appraiser estimated the subject's value by the cost approach as \$299,600, rounded.

In the sales comparison approach, the appraiser examined three sales and one listing of comparables located 0.09 to 2.04-miles from the subject. Comparable #1 is located on the subject's street and block. The comparables were described as one-story style homes of brick and cedar exterior construction that range in age from 1 to 10 years old and range in size from 2,167 to 2,987 square feet of living area. Features of the comparables include central air conditioning, a fireplace, two-car or three-car garages and full basements, two of which have one finished room. Comparables #1, #2 and #3 sold between February and November 2007 for prices ranging from \$275,000 to \$356,000 or from \$119.19 to \$126.90 per square foot of living area including land. Comparable #4 was listed for \$328,900 or \$122.95 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject, such as date of sale, age, room count, living area, basement finish, garage size and upgrades. After adjustments, the comparables had adjusted sales prices ranging from \$290,900 to \$312,000 or from \$104.46 to \$136.00 per square foot of living area including land.

In reconciliation, the appraiser relied most heavily on the sales comparison approach, because it "best reflects the attitudes of buyers and sellers in today's market place." Based on this evidence the appellants requested the subject's total assessment

be reduced to \$97,324, reflecting a market value of approximately \$291,972.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$108,892 was disclosed. The subject has an estimated market value of approximately \$328,285 or \$125.73 per square foot of living area including land, as reflected by its assessment and the Will County 2009 three-year median level of assessments of 33.17%.

The board of review submitted a letter prepared by the Channahon Township Assessor and a grid analysis of three comparable properties with copies of applicable property record cards. The assessor contended that the reported purchase of the subject property by the appellants in 2008 was "a relocation sale and is not a valid sale." No documentation was submitted such as the Illinois Real Estate Transfer Declaration to establish a claim that the sale of the subject did not qualify as a valid arm's length transaction that was open and exposed on the market.

In support of the subject's estimated market value based on its assessment, the assessor presented three comparable properties located "in similar neighborhoods" as there reportedly were no one-story dwelling sales in the subject's neighborhood. The comparables were one-story frame dwellings that were built from 1995 to 2001 and range in size from 1,914 to 2,585 square feet of living area. Features of the comparables include central air conditioning, garages that contain from 422 to 640 square feet of building area and full unfinished basements. One comparable has a fireplace. The comparables sold between April 2006 and July 2008 for prices ranging from \$305,000 to \$340,000 or from \$124.27 to \$177.64 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 property's assessment is warranted.

The appellants contend 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, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellants submitted a closing statement detailing the subject's March 2008 sale for \$292,000. The appellants claimed this was an arm's-length transaction, as detailed in Section IV of the appeal petition. The appellants

also submitted an appraisal of the subject property performed by a certified appraiser wherein the subject's market value was estimated at \$295,000 as of February 11, 2008. The board of review submitted a grid analysis of three comparable properties and asserted without documentation that the purchase of the subject property was "a relocation sale and is not a valid sale." Thus, the Property Tax Appeal Board finds that the board of review's responsive evidence did not adequately contest the arm's-length nature of the sale of the subject property.

Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill.App.3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill. 2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). In light of this holding, the comparable sales submitted by the board of review were given less weight and in particular comparable sales #2 and #3 occurred in April and May 2006 making them too distant in time to be reliable indicators of the subject's estimated market value as of January 1, 2009.

The Property Tax Appeal Board finds the most reliable evidence in this record of the subject's market value is found in the appellants' appraisal coupled with the recent purchase price of \$292,000 and the board of review's comparable #1 which sold in July 2008 for \$305,000. Comparable #1 presented by the board of review is about 500 square feet smaller than the subject dwelling and has a garage about half the size of the subject's garage. However, this sale further supports the appraiser's value conclusion of \$295,000 as of February 11, 2008 as the best indicator of the subject's market value.

Finally, as the Property Tax Appeal Board further finds from its analysis of the record that the evidence in this appeal is substantially no different from that of the 2008 appeal. Therefore, since no substantively new evidence was presented to warrant a change from the previous year's decision, the Board finds that the assessment as established in the prior years' appeal is appropriate.

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

Mark 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.