



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

APPELLANT: Daniel & Amanda Urquiza
DOCKET NO.: 09-01021.001-R-1
PARCEL NO.: 23-15-12-404-009-0000

The parties of record before the Property Tax Appeal Board are Daniel & Amanda Urquiza, 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: \$15,633
IMPR: \$117,047
TOTAL: \$132,680

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel near a pond is improved with a two-story frame and brick exterior constructed single family dwelling built in 1993. The dwelling contains approximately 4,900 square feet of living area¹ with a full basement, central air conditioning, two fireplaces and two garages for a total of four cars. The subject property is located in Crete, Crete Township, Will County.

The township assessor on behalf of the board of review raised an initial jurisdictional issue concerning whether the appellants Daniel & Amanda Urquiza have standing to pursue this assessment appeal. The Crete Township Assessor reported the subject property is owned by Sergio Urquiza and Elian Shepard, a copy of a Special Warranty Deed was submitted reflecting a change in ownership on April 22, 2008. Upon inquiry with the appellants'

¹ The appellants' appraiser reported a dwelling size of 4,940 square feet and included a detailed schematic drawing of each of the floors of the dwelling. The assessing officials reported a dwelling size of 4,874 square feet and included a copy of the property record card along with a separate page displaying a detailed schematic footprint of the subject dwelling. The size differential appears to be due primarily to rounding.

legal counsel, the assessor purportedly received a letter indicating the named appellants are the daughter and son-in-law of one of the owners of record "and are appealing on their behalf."

Section 1910.10(c) of the Official Rules of the Property Tax Appeal Board state that only a taxpayer or owner can file an appeal before the Board. (86 Ill.Admin.Code §1910.10(c)). (See also 35 ILCS 200/16-160). Based on the assessor's assertion, it is not clear whether the jurisdictional issue has been satisfied, but a copy of the cited correspondence from counsel was not supplied with the board of review's evidence. As the board of review did not seek dismissal and without additional substantive evidence for dismissal, it is presumed by the Property Tax Appeal Board that the named appellants are the "taxpayers" and have standing to pursue the instant appeal.

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 an appraisal prepared by real estate appraiser Eric Sladcik of David M. Richmond Appraisals estimating the subject property had a market value of \$400,000 as of September 30, 2009. The purpose of the appraisal was for an "estimation of value" by appraising the fee simple interest in the property.

In discussing the property, the appraiser acknowledged a May 2008 purchase price of \$265,000 and stated that "since that time the property has been renovated." For market conditions, the appraiser noted a general decline over the past year along with more stringent requirements for conventional mortgages.

Under the cost approach, the appraiser estimated the subject's land value at \$75,000 based on land sales of similar sized lots and utility in the area. Using the Marshall & Swift Cost Service along with appraiser experience, the appraiser determined a replacement cost new for the subject dwelling including the basement and garages of \$605,000. Physical depreciation of \$172,856.98 was calculated using the age/life method along with external obsolescence of \$129,642.90 "due to the poor general economic conditions and the amount of distressed properties on the market." These deductions resulted in a depreciated value of improvements of \$302,500.12. Next, a value for site improvements of \$15,000 was added. Thus, under the cost approach, the appraiser estimated a market value of \$392,500, rounded, for the subject.

Under the sales comparison approach, the appraiser used sales of three comparable homes located between 0.49 and 0.94 of a mile from the subject property. The comparables consist of two-story frame or brick and frame dwellings which were from 6 to 25 years old. The comparables range in size from 2,972 to 4,800 square feet of living area. Each of the comparable properties has a basement, one of which includes finished area, central air conditioning and a two-car or three-car garage. One comparable

has two fireplaces. Comparable #1 also has an indoor swimming pool. The properties sold between February and May 2008 for prices ranging from \$275,000 to \$419,000 or from \$57.29 to \$140.98 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for date of sale/time, view, land area, exterior construction, age, condition, room count, size, garage size, fireplaces and other amenities. The adjustments were discussed in an addendum. The analysis resulted in adjusted sales prices for the comparables ranging from \$331,000 to \$448,000 or from \$68.96 to \$150.74 per square foot of living area land included. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$400,000 or approximately \$81.63 per square foot of living area including land.

In the final reconciliation, the appraiser concluded an estimate of value of \$400,000 giving most weight to the sales comparison with secondary consideration to the cost approach.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$137,013 which would reflect a market value of approximately \$411,039.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$237,003 was disclosed. The final assessment of the subject property reflects a market value of \$714,510 or \$145.82 per square foot of living area including land based using the 2009 three-year median level of assessments for Will County of 33.17%.

Besides data that has been discussed previously in this decision, the board of review submitted a letter from the Crete Township Assessor along with a grid analysis of three sales found in the appellants' appraisal report along with a grid of one suggested comparable sale by the assessor to support the subject's estimated market value based on its assessment. Based on the assessor's records, the appraiser correctly reported dates of sale and sale prices, but did not report dwelling sizes and other amenities of the comparables as shown in the assessor's information. As to the appraisal, the township assessor stated:

[the] 2009 appraisal was done September 30, 2009. They are appealing the 2009 assessment that is based on the 2008, 2007, and 2006 years. Although this is showing current market value, it is not considered evidence. The comparables that were used in the appraisal were also all invalid sales. Comparable #1 and Comparable #2 were both Special Warranty Deeds. Comparable #3 was not advertised for sale.

There was no evidence submitted by the board of review to support the contention that the sales in the appraisal were "invalid."

To support the estimated market value of the subject, the assessor presented a two-story frame and brick dwelling that was built in 1992. The home contains 4,244 square feet of living area and features a basement, central air conditioning (2 units), a fireplace, a garage and a shed. This property sold in December 2006 for \$635,000 or \$149.62 per square foot of living area including land.

Based on the submission of one "valid comparable sale" and a contention that the appellants did not submit any valid 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 that a reduction in the subject's assessment is warranted.

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 appellants submitted an appraisal of the subject property with a final value conclusion of \$400,000 as of September 30, 2009. The appraiser considered three sales which occurred from February to May 2008 and made adjustments to those comparables for differences from the subject in arriving at an opinion of value. The board of review submitted one sale from December 2006 which is more distant in time to the assessment date of January 1, 2009 than the sales data presented in the appraisal.

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 board of review's criticisms of the sales in the appraisal, the appraisal submitted by the appellants estimating the subject's market value

of \$400,000 is the best evidence of the subject's market value in the record. 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.