



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

APPELLANT: Mike Canino
DOCKET NO.: 09-01077.001-R-1
PARCEL NO.: 23-16-19-302-002-0000

The parties of record before the Property Tax Appeal Board are Mike Canino, the appellant, 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: \$19,656
IMPR.: \$78,196
TOTAL: \$97,852

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story brick exterior constructed single-family dwelling built in 1997. The dwelling contains approximately 3,694 square feet of living area with a full finished walkout-style basement, central air conditioning, two fireplaces and an 888 square foot garage. The subject property is located in Crete, Crete Township, Will County.

The parties reported varying dwelling sizes for the subject. The appellant's appraiser included a detailed schematic drawing to support his dwelling size conclusion of 3,694 square feet whereas the board of review provided a less detailed schematic drawing as part of a property record card to support their conclusion of 3,501 square feet. Examination of the record evidence reveals that the best evidence was provided by the appellant's appraiser in the detailed schematic drawing.

The appellant's appeal contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellant completed Section IV of the Residential Appeal form concerning recent sale and submitted an appraisal of the subject property.

The appellant reported the subject property was purchased on May 29, 2009 for a price of \$291,500 from Wells Fargo. The parties to the transaction were not related and a Realtor was involved in the transaction. The property was listed in the Multiple Listing Service for a period of 2 years prior to purchase. In further support, the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date of sale.

The appellant's appraisal was prepared by real estate appraiser Darnell V. Fourte of Fourte & Associates, Ltd., estimating the subject property had a market value of \$295,000 as of May 9, 2009. The stated purpose of the appraisal was for a "purchase transaction" and the appraisal was performed for a lender/client, Bank of America-Retail/LandSafe in St. Louis, Missouri. The rights appraised were fee simple.

The appraiser also reported the subject's April 2009 contract price of \$291,500 in the report with a notation that the seller would pay for a Home Warranty in the amount of \$604. As to the subject's listing history, the appraiser reported on page 3:

According to the Northern Illinois Multiple Listing Service, the subject status was coded as contingent with an asking price of \$299,900 with a market time of 95 days. There were four expired and one cancelled listings in the last two years. Starting in April 2007 the property listed for \$698,000 reduced to \$423,500 in January 2009. Total market time for these listings were 585 days.

The condition of the property was said to be above average to good overall with minor items of deferred maintenance noted.

In the addendum discussing market research, the appraiser reported while there were a number of foreclosure and REO units for sale and closed sale in the market which impacted the overall marketplace, many of the foreclosures were being purchased, renovated and re-sold on the open market. In summary, the appraiser noted there were a significant number of distressed properties for sale in the market area, many with extended marketing time, but the area was an active market.

Under the cost approach, the appraiser estimated the subject's land value at \$60,000 based on residential site sale in the area within the last two years. Using the Marshall & Swift Cost Service along with appraisal experience, the appraiser determined a replacement cost new for the subject dwelling including the basement and garage of \$405,153. Physical depreciation of \$20,258 was calculated using the age/life method resulting in a depreciated value of improvements of \$384,895. Next, a value for site improvements of \$7,000 was added. Thus, under the cost approach, the appraiser estimated a market value of \$451,895 for the subject.

Under the sales comparison approach, the appraiser used sales of three comparables and one listing of two-story brick dwellings that were located between 3.07 and 5.39-miles from the subject property. The appraiser noted that there were no similar sale[s] for the subject within the one mile guideline; however, these sales represent the best data available to derive a reliable opinion of value for the subject. The dwellings were 2 or 4 years old and contain either 3,100 or 3,200 square feet of living area each. The homes have full unfinished basements, central air conditioning, a fireplace and a three-car garage. Three comparables sold in January or March 2009 for prices ranging from \$247,000 to \$297,900 or from \$79.68 to \$93.09 per square foot of living area including land. Comparable listing #4 had an asking price of \$239,900 or \$77.39 per square foot of living area including land.

In comparing the comparable properties to the subject, the appraiser made adjustments for financing concessions, site size, quality of construction, age, dwelling size, basement finish and other amenities. "A token across the board adjustment was made to each sale for lot size, gross living area, basement finished and fireplace count. Subject was superior for these attributes and the comparables were adjusted accordingly." This analysis resulted in adjusted sales prices for the comparables ranging from \$263,643 to \$339,131 or from \$85.05 to \$105.98 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 \$295,000 or \$79.86 per square foot of living area including land.

In reconciliation, the appraiser gave most weight to the sales comparison approach as it best reflected the actions of buyers and sellers in the marketplace.

Based on the foregoing evidence, the appellant requested a reduction in the subject's total assessment to \$96,195 which would reflect an estimated market value of approximately \$288,585.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment for the subject property of \$171,384 was disclosed. The subject's final assessment reflects a market value of approximately \$516,684 or \$139.87 per square foot of living area including land using the 2009 three-year median level of assessments for Will County of 33.17%.

In support of the subject's estimated market value based on its assessment, the board of review submitted a letter from the Crete Township Assessor's Office along with attachments. The assessor acknowledged the subject property was purchased in May 2009 for \$291,500, but noted the purchase was "from a loan company . . . after the former owners lost the property in December 2007."

Next, the assessor purportedly reiterated three sales comparables from 2006 and a listing as part of the appellant's evidence in this proceeding before the Property Tax Appeal Board. As noted above, the appellant did not submit these described sales to support the overvaluation contention.

In support of the subject's estimated market value, the assessor presented two sales "one in the subject's subdivision and one from the subdivision across the road." The comparables are one, one-story and one, two-story dwellings of brick or frame and brick exterior construction that were 8 and 17 years old, respectively. The homes contain 4,244 and 2,724 square feet of living area each and feature full finished basements, one of which is a walkout-style, central air conditioning, a fireplace and garages of either 725 or 1,170 square feet of building area. One comparable also has a shed and one has a screened porch. They sold in December 2006 and March 2007 for prices of \$635,000 and \$600,000, respectively, or for \$149.62 and \$220.26 per square foot of living area including land. Then, as set forth in the letter and related grid analysis, the assessor contended that "[w]hen all five sales were adjusted to the subject . . . , the total sale per square foot figures ranged from 123.22 to 223.17, with 151.99 being the mean." The assessor concluded that these sales did not support the appellant's requested estimated market value of \$350,175 [sic].

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

In written rebuttal, the appellant contended that the board of review comparable's two-story comparable sale of \$635,000 in 2006 "just sold on April 1, 2011 for \$171,000 per Realtor.com." A website printout of this sale was attached. The appellant also contends that the one-story comparable presented by the board of review is dissimilar to the subject due to its location in a gated community, its lot size of 30 acres, and its differing design from the subject.

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 appellant 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). 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 Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The appellant submitted the May 2009 purchase price of the subject property for \$291,500 and an appraisal of the subject property with a final value conclusion as of May 2009 of \$295,000. The Property Tax Appeal Board finds these two market value conclusions are relatively close to the assessment date at issue of January 1, 2009. In addition, the appraiser presented market data noting declining sale prices. In contrast, the board of review presented two sales to support the subject's assessment. The sale of a one-story dwelling is given no weight in the Board's analysis in light of the two-story design of the subject. Furthermore, the board of review's one two-story sale from December 2006 is sufficiently distant from the assessment date of January 1, 2009 to be given minimal weight in light of the record evidence. Finally, the Property Tax Appeal Board did not give any merit to the assessor's adjustments to the comparable sales since no analysis was included to indicate the basis for the adjustments.

Comparing and contrasting the submissions of the parties of recent purchase price, appraisal and dated sale, the Property Tax Appeal Board finds the appraisal submitted by the appellant is the most reliable and credible estimate of market value in the record. As such, the Property Tax Appeal Board finds that the subject property has a market value as of January 1, 2009 of \$295,000. The subject's assessment reflects an estimated market value of approximately \$516,684, which is higher than its recent sale price and/or the recent appraised value and thus a reduction is warranted. Since the fair market value of the subject has been established, the Board finds that the 2009 three-year median level of assessments for Will County of 33.17% shall apply.

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: September 21, 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.