



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

APPELLANT: Lucas & Kristin Kotara
DOCKET NO.: 09-03799.001-R-1
PARCEL NO.: 14-12-12-101-034-0000

The parties of record before the Property Tax Appeal Board are Lucas & Kristin Kotara, the appellants, by attorney William I. Sandrick of the 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: \$42,500
IMPR: \$112,640
TOTAL: \$155,140

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story single-family dwelling of brick exterior construction built in 2006 and containing approximately 4,231 square feet of living area.¹ The dwelling features a full unfinished basement, a fireplace, central air conditioning and a four-car garage. The property is located in Manhattan, Manhattan Township, Will County.

In support of the overvaluation complaint, the appellants filed an appraisal with the Property Tax Appeal Board. The appraisal prepared by Mark A. Wirth of Excel Real Estate Appraisal Services, Inc. states that it was intended to determine the market value of the subject based on fee simple rights for a real estate tax protest. The appraisal provides an estimated market value of \$450,000 as of September 14, 2009.

¹ The appellants' appraiser reported a dwelling size of 4,231 square feet supported by a two-page detailed schematic drawing whereas the board of review submitted a property record card with a schematic concluding a size of 4,015 square feet.

As to the market area, the appraiser outlined data related to sales for the prior three years and concluded that property values were declining in the area.

Using the sales comparison approach, the appraiser analyzed three sales and two listings which were located between .10 and .64 of a mile from the subject property. The comparables consist of two-story log or frame and brick dwellings that are from 3 to 12 years old. The comparables range in size from 2,567 to 4,515 square feet of living area. Each has a full basement, three of which included finished area. The homes have central air conditioning, one to three fireplaces and a three-car garage. Two of the comparables also have barns and one has a shed.

Three comparables sold between June 2008 and July 2009 for prices ranging from \$389,000 to \$419,000 or from \$97.66 to \$151.54 per square foot of living area including land. Comparable listings #4 and #5 had asking prices of \$460,000 and \$489,900, respectively, or \$108.50 and \$163.12 per square foot of living area including land. The appraiser made adjustments to the comparables for differences when compared to the subject for sales or financing concessions, quality of construction, room count, dwelling size, basement finish, garage size and/or fireplaces. The adjustments were discussed in the report and resulted in adjusted sales prices for the comparables ranging from \$400,000 to \$488,000 or from \$99.40 to \$173.05 per square foot of living area land included. From this process, the appraiser estimated a value for the subject of \$450,000 or \$106.36 per square foot of living area including land.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$149,985 which would approximately reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$195,500 was disclosed. The final assessment of the subject property reflects a market value of approximately \$589,388 or \$139.30 per square foot of living area including land using the 2009 three-year median level of assessments for Will County of 33.17% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review submitted a two-page letter from the Manhattan Township Assessor's Office along with a grid analysis of five suggested comparables and applicable property record cards. In the letter, the assessor criticized the sales in the appraisal for differences in design, age, exterior construction (comparable #1 being a log home), dwelling size, site size and as to comparable #3, the sale being an outlier at the low end "due to a small builder wanting to unload the property." The assessor did not remark on the listings other than acknowledging that they were included in the report.

In support of the subject's estimated market value, the assessor presented five sales which were within a 1 mile of the subject. The parcels range in size from 0.33 to 2.5-acres whereas the subject consists of a 1.38-acre parcel. The properties were improved with two-story frame, masonry or frame and masonry dwellings that were from 2 to 13 years old. Four of the comparables have full basements, one of which is partially finished; one comparable had no basement. The dwellings range in size from 2,761 to 4,069 square feet of living area. Four have central air conditioning. Each has one or two fireplaces and a garage ranging in size from 498 to 1,040 square feet of building area. These comparables sold between June 2006 and September 2007 for purchase prices ranging from \$460,000 to \$640,000 or from \$150.16 to \$231.80 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 submitted by the parties, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 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 Board finds the appellants submitted an appraisal of the subject property with a final value conclusion of \$450,000. Upon examining the comparables utilized in the report along with the adjustments, the Board finds that due to a lack of similarity between some of the comparables and the subject property the appraiser made several extraordinary adjustments such for the sizes for comparables #2 and #4. The appraiser also made no adjustments for age. The questionable nature of these adjustments is further displayed when examining the total adjustments that range from \$7,000 to \$55,000. In light of these considerations, the Board finds the appraiser's value conclusion is not well-supported by the comparable sales and instead, the Board will examine the raw sales data presented in the appraisal as compared to the sales presented by the board of review.

The Board finds the most similar comparables to the subject in the appellant's appraisal report were #1 and #5 based on location, size and other features. Comparable #1 sold in January

2009 for \$393,000 or \$97.66 per square foot of living area including land and comparable #5 had an asking price of \$489,900 or \$108.50 per square foot of living area including land.

The board of review submitted five suggested comparable sales in support of the subject's assessment. Only comparable #3 is relatively similar to the subject dwelling in size. More importantly, however, all five suggested sales occurred between June 2006 and September 2007 which is from 15 to 30 months prior to the assessment date at issue of January 1, 2009. Therefore, the Board finds that none of the sales submitted by the board of review should be considered indicative of the subject's estimated market value as of January 1, 2009.

The final assessment of the subject property reflects a market value of approximately \$589,388 or \$140.33 per square foot of living area including land which is substantially greater than the most similar and most recent comparable sales on this record. After considering these most comparable sales discussed above, the Board finds the appellant did demonstrate the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment 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.

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: 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.