



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

APPELLANT: Angela Brandau
DOCKET NO.: 10-00349.001-R-1
PARCEL NO.: 21-14-22-101-024-0000

The parties of record before the Property Tax Appeal Board are Angela Brandau, 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: \$12,398
IMPR.: \$54,602
TOTAL: \$67,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story frame exterior constructed single-family dwelling built in 2000. The dwelling contains approximately 2,608 square feet of living area with a partial unfinished basement, central air conditioning, a fireplace and an attached two-car garage. The subject also has an in-ground swimming pool. The subject property is located in Monee, Monee Township, Will County.

The appellant's appeal is based on overvaluation of the subject property. In support of this market value argument, the appellant submitted an appraisal prepared by Denise V. Arnold, a State Certified Residential Real Estate Appraiser, with Imperial Appraisals in Homewood. The purpose of the appraisal was for a refinance transaction, but the property rights appraised were fee simple. The appraiser used two of the three traditional approaches to value in concluding an estimated market value of \$201,000 for the subject property as of May 19, 2010.

The appraiser reported several recent listings for the subject. Most recently in September 2009 the subject was listed for sale for \$274,900 with an original asking price in March 2009 of

\$284,900. There was also a cancelled listing from December 2008 for \$299,900 with an original asking price in February 2008 of \$325,000.

Under the cost approach, the appraiser estimated the subject's land value at \$47,000 based on Olcott's Land Value Guide and sales of available sites. Using Boeckh Building Cost Guide and local construction cost data, the appraiser determined a replacement cost new for the subject of \$227,890. Physical depreciation of \$5,355 was calculated based on a Modified Age/Life Method resulting in a depreciated value of improvements of \$222,535. Next, a value for site improvements of \$8,000 was added along with the site value for an estimated a market value under the cost approach of \$277,535 for the subject.

Under the sales comparison approach, the appraiser used three sales and two listings of comparable homes located between 0.16 and .89 of a mile from the subject property. The report included a map depicting the location of the subject and comparables all of which were within close proximity to one another. The appraiser stated that comparable #2 was a "short sale" and comparable #3 was a "foreclosure." Also, in the report, the appraiser stated that in the subject's neighborhood there were no homes with in-ground swimming pools and no sales or active listings within a year with an in-ground pool. Among the comments, the appraiser wrote that the "[s]ubject is over improved due to the in-ground swimming pool, however, the home is similar to most homes in the neighborhood. The swimming pool has no value for this market."

The comparables consist of two-story frame or frame and brick exterior constructed dwellings which were from 3 to 12 years old. The comparables ranged in size from 2,081 to 2,880 square feet of living area. Each of the comparables had a full or partial basement, three of which were finished. Three comparables have central air conditioning and one has a fireplace. Each comparable has a two-car garage. In comparing the comparable properties to the subject, the appraiser made adjustments to each of the comparables for date of sale/time and for sales or financing concessions for comparables #2 and #3. Adjustments were also made for quality of construction, age, dwelling size, basement finish, lack of air conditioning and fireplaces. The analysis resulted in adjusted sales prices for the comparables ranging from \$201,000 to \$216,403 or from \$69.79 to \$97.85 per square foot of living area, including land. From this process, the appraiser estimated a value for the subject by the sales comparison approach of \$201,000 or \$77.07 per square foot of living area including land.

In her final reconciliation, the appraiser concluded an estimate of value of \$201,000 giving the sales comparison approach the greatest weight.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$67,000 which would reflect a market value of approximately \$201,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$83,738 was disclosed. The final assessment of the subject property reflects a market value of \$251,919 or \$96.59 per square foot of living area, including land, using the 2010 three-year median level of assessments for Will County of 33.24%. (86 Ill.Admin.Code §1910.50(c)(1)).

In response to the appellant's evidence, Sandra Heard, the Monee Township Assessor, presented a letter outlining criticisms and shortcomings of the appellant's appraisal along with a grid reiterating the appraisal comparables and a grid of five comparables to support the subject's assessment.

The assessor asserted the appraisal included only "two good sales" in the neighborhood, comparables #1 and #5 which sold for \$197,000 and \$205,000, respectively. Each of these dwellings is smaller than the subject. The assessor contends the remaining comparables in the appraisal were "from different neighborhoods" and varied in features from the subject making them inappropriate comparables.

Next, the assessor contended that as the subject has a pool, this feature "contributes to the difference between the subject and comps 1 and 5 assessed values." Then the assessor discussed the improvement assessments of the subject and the comparables in the appraisal.

As to the grid analysis of five comparables to support the subject's assessment, the assessor noted the properties were within the "same neighborhood" and within 100 square feet of the subject dwelling. While each comparable does not have an in-ground pool, the assessor noted these comparables have improvement assessments ranging from \$24.72 to \$25.98 per square foot of living area whereas the subject has an improvement assessment of \$23.26 per square foot of living area.

The assessor's grid reported sales for comparables #1, #2, #4 and #5. The sales occurred between October 2001 and October 2005 for prices ranging from \$228,690 to \$246,000 or from \$89.68 to \$97.81 per square foot of living area, including land. The subject also reportedly sold in August 2004 for \$270,000 or \$103.53 per square foot of living area, including land.

Based on the foregoing assertions that the appellant's appraisal is flawed and that the subject is uniformly assessed, 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 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, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 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 appellant submitted an appraisal of the subject property with a final value conclusion of \$201,000 as of May 19, 2010, which is five months after the assessment date at issue of January 1, 2010. In addition, the appraiser reported the subject property was offered for sale in September 2009 for a price of \$274,900, which is presumably the upper limit of value and there is no indication in the evidence that the property sold at that time for the asking price or any amount near to that asking price.

The board of review submitted no appraisal or recent market value evidence to support the subject's estimated market value, but rather primarily criticized various aspects of the appellant's appraisal and argued that the subject was uniformly assessed even with the comparables in the appraisal. The Property Tax Appeal Board finds the criticisms presented by the board of review through the township assessor are irrelevant to a market value determination and the submission of equity data in response to an overvaluation appeal is not responsive to the claim that has been made. Moreover, the four sales presented by the assessor occurred more than four years prior to the assessment date of January 1, 2010 and therefore are not sufficiently proximate in time to be valid indicators of the subject's estimated market value as of the assessment date at issue.

The Property Tax Appeal Board also finds that the appellant's appraisal made adjustments to the "short sale" and "foreclosure" for sales or financing concessions. On this record, the Board finds there are numerous factors that support consideration of the appraiser's opinion of value on this record despite the criticisms of the assessor on behalf of the board of review. Each of the sales and listings were current in relation to the assessment date. And, most significantly, the board of review provided no sales data to refute these sales and listings which were relatively close in time to the assessment date. Therefore, the Board finds that on this record, the board of review has failed to support the criticisms of the appraisal with any substantive market data.

In conclusion, the Property Tax Appeal Board finds that the appraisal submitted by the appellant estimating the subject's market value of \$201,000 is the best evidence of the subject's market value in the record and, furthermore, the appraisal's opinion of value was not substantively challenged with any recent market value evidence presented by the board of review. The subject's assessment reflects a market value of approximately \$251,919 or \$96.59 per square foot of living area, including land, which is greater than the estimated a market value conclusion in the appraisal. In the absence of any other substantive market value evidence regarding the subject property, the Board finds the appellant has demonstrated that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is warranted commensurate with the appellant's request.

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: April 19, 2013

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.