



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

APPELLANT: John D. Tofanelli
DOCKET NO.: 10-00368.001-R-1
PARCEL NO.: 16-05-12-402-057-0000

The parties of record before the Property Tax Appeal Board are John D. Tofanelli, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher, in Chicago, 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: \$47,634
IMPR: \$112,350
TOTAL: \$159,984

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story brick and cedar exterior constructed single-family dwelling which is 19 years old. The dwelling contains approximately 3,401 square feet of living area with a full finished basement, central air conditioning, two fireplaces, an attached three-car garage and an in-ground swimming pool. The subject property is located in Homer Glen, Homer 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 Theodore Heichert, a State Certified Residential Real Estate Appraiser, with Appraisal Research Counselors in Chicago. 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 \$480,000 for the subject property as of November 23, 2010.

Under the cost approach, the appraiser estimated the subject's land value at \$70,000 based on researching recent land sales

within the subject's neighborhood. The appraiser determined a replacement cost new for the subject of \$452,114. Physical depreciation of \$28,257 was calculated based on the Economic Age/Life Method resulting in a depreciated value of improvements of \$423,857. No value for site improvements was reported. Adding back the site value, the appraiser reported an estimated market value under the cost approach of \$493,900 for the subject.

Under the sales comparison approach, the appraiser used three sales and two listings of comparable homes located between 1.65 and 2.23-miles from the subject property. The report indicates the properties were on the market for periods ranging from 116 to 475 days. The report included a map depicting the location of the subject and comparables. The comparable parcels range in size from 14,840 to 87,120 square feet of land area. The parcels are improved with two-story brick and cedar dwellings that range in age from 7 to 24 years old. The dwellings range in size from 3,400 to 3,700 square feet of living area. Each of the comparables has a full basement, two of which had finished area, central air conditioning, one or two fireplaces and a three-car garage.

In comparing the comparable properties to the subject, the appraiser made adjustments to the active listings for date of sale/time. Adjustments were also made for lot size, room count, dwelling size, basement finish, porch/patio/deck features and fence/fireplace/pool differences of \$11,000 to \$13,500. The analysis resulted in adjusted sales prices for the comparables ranging from \$479,500 to \$506,703 or from \$130.46 to \$145.78 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 \$480,000 or \$141.13 per square foot of living area including land.

In the final reconciliation in the addendum, the appraiser concluded an estimate of value of \$480,000 giving the sales comparison approach the greatest weight as it best reflects market value with support from the cost approach.

Based on this evidence, the appellant through counsel requested a reduction in the subject's total assessment to \$159,984 which would reflect a market value of \$480,000 at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$249,795 was disclosed. The final assessment of the subject property reflects a market value of \$751,489 or \$220.96 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, Karen Szynkowski, the Homer Township Assessor, presented a letter outlining criticisms and shortcomings of the appellant's appraisal along with, Exhibit

B, an "Exterior-Only Inspection Residential Appraisal Report" concerning the subject consisting of three pages with adjustments to four sales with a final value conclusion of \$775,000 as of January 1, 2010. The document is unsigned and is paginated as several pages of "6."

In the letter, the assessor enumerated nine criticisms of the appraisal. She stated the appraisal report was for a refinance transaction and not for tax purposes, therefore, it "should not be considered." In addition, the date of valuation is nearly one year after the valuation date of January 1, 2010. Comparable #1 has a smaller site size than reported and thus the adjustment was "excessive." The dwelling size of comparable #1 was smaller than reported and necessitated "a positive adjustment." The assessor believes the appraiser made adjustments for fences "which we disagree [with]. No adjustment should have been made." The assessor contends the report fails to detail how dwelling size adjustments of \$30 per square foot were ascertained. Comparables #4 and #5 are active listings. The assessor also noted that the cost approach lacked calculations. "We disagree with the subject property being average quality." As a final criticism of the appraisal, the assessor wrote, "[t]he finished basement adjustment appears low. We also don't understand the difference between the basement adjustments on comp 1 vs. comp 3."

In order to present comparable sales, the assessor reported because the subject's subdivision of Meadows Edge "has not had a sale in over 5 years" we went outside the subdivision like the appraiser. In Exhibit B, the assessor "gridded" the comparables and "made the property adjustments for comparison purposes."

In Exhibit B, the assessor reported the comparable properties were located from .39 to 3.5-miles from the subject. The parcels range in size from 12,818 to 30,111 square feet of land area and are improved with two-story brick and stone, brick and frame, brick, stone and frame or brick, stone and stucco constructed dwellings. The homes range in age from 3 to 23 years old and range in size from 3,392 to 4,476 square feet of living area. Each comparable has a full basement, three of which have finished area, central air conditioning, one or two fireplaces and a three-car garage. Comparable #2 has an in-ground pool. The comparables sold between March 2008 and February 2010 for prices ranging from \$650,000 to \$925,000 or from \$163.81 to \$271.82 per square foot of living area, including land.

The assessor reported downward adjustments for date of sale/time for each of the 2008 sales of 5%. She further adjusted the comparables for quality of construction, age, room count (both bath and bedroom), dwelling size, basement finish, porch/patio/deck and by \$10,000 for comparables without swimming pools. From this data, the assessor reported adjusted sales prices ranging from \$626,500 to \$887,650 or from \$154.42 to \$258.08 per square foot of living area, including land. The assessor concluded a value of \$775,000 or \$227.87 per square foot of living area, including land. She also reported in Exhibit B a

cost approach analysis with a site value of \$100,000 derived from "sold/closed, active listings, assessors files/appraisers files or developers files." In addition, she noted "the cost approach was not considered due to being an exterior inspection only."

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 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 \$480,000 as of November 23, 2010. To arrive at this opinion, the appraiser analyzed sales and listings that occurred in 2010. On behalf of the board of review, the assessor presented criticisms of the appraisal report and five sales of suggested comparables where four sales occurred in 2008 and one sale occurred in February 2010.

Based on the date of sales presented by both parties, the Board finds little merit in the assessor's criticism of the date of value in the appraisal report. While the date of value is 11 months after the assessment date of January 1, 2010, the need to adjust sales that occurred in 2008 appears essentially to negate this criticism. The assessor's criticism of the appraisal for errors in lot size and/or related adjustments to lot size are similarly unpersuasive when in the assessor's adjustment process despite substantial differences in lot size, there was only one unexplained site size adjustment to comparable #5 in the Exhibit B document even though other comparables likewise differed from the subject in lot size.

The assertion by the assessor that the appellant's appraiser made "adjustments for fences" is unsupported on the record. The appraiser listed within "amenities" the subject's "fence, 2FP, pool" and then adjusted the comparables by amounts ranging from \$11,000 to \$13,500. The assessor presented a line dedicated to the pool and adjusted each comparable by \$10,000 for the lack of

a pool, thus suggested that both parties made notably similar adjustments for the pool amenity.

While the assessor criticizes the lack of support for a \$30 dwelling size adjustment for differences, the assessor likewise did not set forth any substantive explanation for the reported dwelling size adjustments which appear to reflect an adjustment of \$30 per square foot of living area. Likewise, the assessors criticism of the condition determination of the subject is irrelevant. The appellant's appraiser reported the subject and each of the comparables to be "average" and thus equal to one another which did not necessitate any adjustment for differences in condition. The assessor in Exhibit B reported the subject and each of the suggested comparables as being "very good" for condition which likewise did not require adjustment since there was no difference in condition among the properties.

In conclusion, the Property Tax Appeal Board finds the criticisms presented by the board of review through the township assessor are either irrelevant to a market value determination, erroneous assertions, or criticized factual statements which were not sufficiently supported to overcome the facts presented in the appraisal.

Perhaps the most valid criticism made by the board of review concerns the date of valuation in the appellant's appraisal. However, the Board finds there are several factors that support consideration of the appraiser's opinion of value on this record despite the ten month difference in time. The Board finds that the appraiser appears to have placed most reliance upon sale #1 which occurred in June 2010 and had an adjusted sale price of \$141.03 per square foot of living area. This adjusted sale price is very similar to the value conclusion for the subject property on a per-square-foot basis. In contrast, the board of review primarily relied upon sales from 2008 with adjustments suggested for time. The Board finds that these dated sales do not sufficiently refute the appraiser's sales which were more proximate in time to the assessment date. Moreover, the Property Tax Appeal Board can place little weight on the assessor's value conclusion as depicted in Exhibit B due to the incomplete nature of the presentation. The document is not a properly prepared complete appraisal report and to the extent that it seeks to present comparable sales with adjustments, the adjustments are not well explained in the submission. Given the foregoing analysis, the Board finds that the date of the opinion of value alone is not a sufficient basis to discredit the appellant's appraisal.

While the board of review raised nine criticisms and/or shortcomings it perceived in the appellant's appraisal, having examined the entire record, the Property Tax Appeal Board finds that as outlined above and despite those criticisms, the appraisal submitted by the appellant estimating the subject's market value of \$480,000 is the best evidence of the subject's market value in the record.

The subject's assessment reflects a market value of approximately \$751,489 or \$220.96 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.