



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

APPELLANT: James & Hilda McConaughy  
DOCKET NO.: 10-00410.001-R-1  
PARCEL NO.: 04-10-18-408-010-0000

The parties of record before the Property Tax Appeal Board are James & Hilda McConaughy, the appellants, 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: \$11,005  
IMPR.: \$53,662  
TOTAL: \$64,667**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject parcel is improved with a one-story duplex built in 2006. The dwelling contains approximately 1,600 square feet of living area with a full basement that is partially finished,<sup>1</sup> central air conditioning and an attached two-car garage of 412 square feet of building area. The subject property is located in Channahon, Channahon Township, Will County.

The appellants' appeal is based on overvaluation of the subject property.<sup>2</sup> In support of this market value argument, the appellants submitted an appraisal prepared by Bruce Wittman, a State Certified Residential Real Estate Appraiser, with supervision by Don Papineau, SRA. The property rights appraised were fee simple. The appraiser estimated a market value of \$194,000 for the subject property as of January 1, 2010.

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<sup>1</sup> The appellant's appraiser reported there is a 14 x 18 den in the basement that lacks floor coverings.

<sup>2</sup> The appellant also marked the bases of appeal as comparable sales and assessment equity. The appellant did not complete the Section V grid analysis for either of these claims; the appellant attached an appraisal of the subject property which included comparable sales.

The appraiser analyzed current market conditions noting MLS indicated a list/sell ratio of 97% and typical marketing times of 3 to 6 months. Wittman also reported that his comparable #3 was purchased as a new spec home in August 2007 for \$254,000 and resold in August 2008 for \$229,000 which reflects a 9.9% decline in value in one year.

Using the sales comparison approach, the appraiser analyzed six sales of comparable duplexes located within a block of the subject property. The comparables consist of two, two-story and four, one-story duplexes which were from new to 3 years old. The comparables contain either 1,600 or 1,807 square feet of living area. Each of the comparables has an unfinished basement, one of which is a walkout style and two of which are lookout style. Each duplex has central air conditioning and one has a fireplace. Each comparable also has a two-car garage. The comparables sold between November 2007 and October 2009 for prices ranging from \$189,900 to \$243,500 or from \$105.09 to \$152.19 per square foot of living area, including land.

In comparing the properties to the subject, the appraiser made adjustments for financing concessions, site size, view, quality of construction, age, condition, room count, dwelling size, basement size/style, basement finish and/or other amenities. In the addendum, the appraiser discussed the various reported upgrades of the comparables and location attributes of the comparables such as backing to wooded areas. The appraiser also acknowledged that sales #5 and #6 reflect two-story duplexes, but then reported that most weight was given to sales #1 through #4 "because they are ranch duplexes like the subject, with the value tempered by the recent 2 story duplex sales." This analysis resulted in adjusted sales prices for the comparables ranging from \$170,700 to \$198,000 or from \$94.47 to \$123.75 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 \$194,000 or \$121.25 per square foot of living area including land.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$64,667 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$72,511 was disclosed. The final assessment of the subject property reflects a market value of \$218,144 or \$136.34 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, the board of review submitted a letter and evidence prepared by Ann Crickman, the Channahon Township Assessor. She reported the subject is in a neighborhood of ranch and two-story duplex homes "available in a select number of models." Thus subject is a Riverton II model.

The assessor contended the "3 year sales ration [*sic*] for the Riverton II model" was \$145.98 per square foot. "We have provided evidence to show assessment equity amongst the Riverton II models."

In support of the subject's assessment, the assessor presented a three-page grid analysis of nine comparables.<sup>3</sup> Comparable #1 was presented as appraisal comparable #2 and comparable #7 was presented as appraisal comparable #4. The properties are within the subject's subdivision. The comparables are each "Riverton II" models of frame exterior construction that were built between 2005 and 2008. Each dwelling contains 1,600 square feet of living area with a basement two of which are walkout style and four of which are lookout style. Four dwellings have central air conditioning and seven have garages. As part of the grid, the assessor reported the subject sold in July 2006 for \$200,320. Comparables #2, #3, #4, #5, #6 and #9 sold between July 2006 and November 2006 for prices ranging from \$200,608 to \$248,118. Comparable #8 sold in August 2007 for \$286,063; comparable #7 sold in July 2008 for \$243,500; and comparable #1 sold in June 2009 for \$225,900.

Based on the foregoing data and argument 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 (3<sup>rd</sup> 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 \$194,000 as of January 1, 2010. The board of review submitted no appraisal and only submitted three sales that are sufficiently proximate to the January 1, 2010 assessment date to be considered indicative of the subject's estimated market value. Those sales occurred in 2007, 2008 and 2009 for prices ranging from \$225,900 to \$286,063 where the highest sales price occurred in 2007 and the lowest

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<sup>3</sup> For clarity of the record, the comparables will be referred to as #1 through #9 rather than three sets of #1 through #3 as presented.

sale price occurred most recently in 2009. Moreover, two of these most recent board of review sales were contained within the appraisal report.

The Property Tax Appeal Board finds that the appellant's appraiser made adjustments to the comparables which appear to be supported on the record. Each of the sales were current in relation to the assessment date and/or adjusted for financing concessions. The board of review's sales data fails to refute the value conclusion in the appraisal report as the depicted value trend was for lower sales prices of similar properties and the subject property historically had the lowest purchase price in 2006 even when compared to the sales that occurred in 2006.

In conclusion, the Board finds that the appraisal submitted by the appellant estimating the subject's market value of \$194,000 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 recent market value evidence by the board of review. The subject's assessment reflects a market value of approximately \$218,144, which is greater than the estimated a market value conclusion in the appraisal. In the absence of 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

*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: 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.