



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

APPELLANT: Danelle Boose
DOCKET NO.: 10-00454.001-R-2
PARCEL NO.: 07-01-17-409-010-0000

The parties of record before the Property Tax Appeal Board are Danelle Boose, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C., in Des Plaines, 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: \$57,014
IMPR: \$400,219
TOTAL: \$457,233

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 14,550 square feet of land area with a pond view is improved with a two-story single-family dwelling of brick and cedar exterior construction. The home was built in 2007. The dwelling features a full, 90% finished, basement along with central air conditioning, three fireplaces and a four-car garage. The property is located in Naperville, Wheatland Township, Will County.

The initial dispute between the parties concerns the home's dwelling size. Both parties presented schematic drawings which depict that the dwelling has various angled and rounded bump-out features on multiple levels.¹ The drawings also vary slightly one to another. The appellant's appraiser reports 6,710 square feet of living area consisting of three floors with the third floor "toy room" measuring approximately 560 square feet. In the report, the appraiser noted the subject has a finished attic. The board of review through the township assessor provided a

¹ First floor living areas are reported as 2,956.56 square feet by the appraiser and 2,886.4 square feet by the assessor; second floor areas are 3,193.06 square feet by the appraiser and 3,347 square feet by the assessor.

schematic that depicts two floors totaling 6,233 square feet of living area. In the board of review's submission, the assessor reported that a certified letter was sent "to the homeowner requesting a re-measure to resolve any discrepancies" and no response has been received. No documentary evidence of this certified letter or its delivery was submitted by the board of review.

Pursuant to Section 1910.94 of the rules of the Property Tax Appeal Board:

a) No taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration, any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property when the taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes.

b) Any motion made to invoke this Section shall incorporate a statement detailing the consultation and failed reasonable attempts to resolve differences over issues involving inspection with the taxpayer or property owner.

(86 Ill.Admin.Code §1910.94). The board of review has not properly filed a motion to invoke this provision of the Board's rules. As such, on this record the question before the Property Tax Appeal Board is which reported dwelling size presented by the respective parties is better supported on the written record. The Board finds the appraiser's drawing and description of the subject dwelling are more detailed and thus, present the better supported evidence of the subject's dwelling size. Therefore, the subject dwelling is found to contain 6,710 square feet of living area for purposes of this decision.

In support of this overvaluation complaint, the appellant filed a summary appraisal report with the Property Tax Appeal Board prepared by Paul Jonauskas, a Certified Residential Real Estate Appraiser, with Real Valuation Group in St. Charles. The appraisal states that it was intended to determine market value and the rights appraised were fee simple. The appraisal provides an estimated market value of \$1,255,000 or \$187.03 per square foot of living area including land as of January 1, 2010.

As to the subject property, the appraiser reported a sale in May 2007 for \$1,795,000 or \$267.51 per square foot of living area, including land.

Also as part of the report, Jonauskas discussed market conditions in relation to the subject's neighborhood in an addendum noting that sales and resales support a trend for declining property values with typical marketing times over 180 days. There were 269 active listings in the market compared to 21 closed sales, an absorption rate of 7 homes per month which equates to 39 months of housing supply. From this data, the appraiser concluded there was an oversupply of homes and marketing times were over six months.

Using the sales comparison approach to value, the appraiser analyzed three sales located from .07 to .28 of a mile from the subject. The comparable parcels range in size from 12,500 to 16,900 square feet of land area. The parcels are improved with two-story cedar and brick dwellings that were either 2 or 4 years old. The dwellings range in size from 5,607 to 6,277 square feet of living area. The comparables have full basements, two of which have finished areas with bathrooms. Each comparable has central air conditioning, three or four fireplaces and a three-car garage. The appraiser reported these comparables had marketing times ranging from 42 to 619 days. These sales occurred from September 2008 to October 2009 for prices ranging from \$930,000 to \$1,410,000 or from \$158.84 to \$224.63 per square foot of living area including land.

Jonauskas made adjustments for date of sale/time to the 2008 sale. He further wrote that time adjustments to sales of 1.3% were supported by analyzing sale #2 listing history depicting a December 2007 asking price of \$1,295,000 with a closing in October 2009 for \$930,000 or a 28% discount. Jonauskas found no adjustment to sales #1 and #2 was necessary "as market conditions reflected their final price." In addition, he made adjustments to the comparables for differences from the subject in view, age/new construction, room count, living area square footage, basement finish, number of garage stalls and/or number of fireplaces. After this analysis, the appraiser concluded adjusted sale prices for the comparables ranging from \$1,190,050 to \$1,250,500 or from \$189.59 to \$223.02 per square foot of living area, including land. The appraiser then concluded an estimated fair market value of the subject under the sales comparison approach of \$1,225,000 or \$182.56 per square foot of living area, including land, noting that "[t]he middle of the adjusted value was given the most weight."

Based on this evidence, the appellant requested a reduction in the assessment of the subject property so as to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$512,085 was disclosed. The final assessment of the subject property reflects a market value of approximately \$1,540,569 or \$229.59 per square foot of living area including land at 6,710 square feet of living area and using the 2010 three-year median level of assessments

for Will County of 33.24% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review submitted an unsigned memorandum purportedly prepared by Kelli Lord, Wheatland Township Assessor, along with a grid analysis of appraiser's sales comparables, a copy of the subject's April 2007 Illinois Real Estate Transfer Declaration, and a grid analysis of two comparable sales with applicable property record cards to support the subject's estimated market value based on its assessment.

In the memorandum as to the appellant's appraisal, the assessor had numerous criticisms beginning with the dwelling size which was addressed initially in this decision. As to the subject dwelling, Lord also asserted that the assessing officials only report one fireplace for the subject, not three as stated in the appraisal.

For appraisal sale #3, the assessor contends the dwelling size is overstated by 1,000 square feet resulting in an inappropriate adjustment, however, there is no copy of a property record card of this dwelling to support the purported error. Likewise, Lord contended that this property has only two fireplaces, not three as reported in the appraisal, but the assessor again did not provide documentary evidence regarding this contention.

The assessor criticized the appraiser's adjustment for pond view because the report lacked evidence for the adjustment. Lord also contends the marketing time adjustment was not substantiated. The assessor then asserts without support that sales from 2007 to 2008 do "not show anywhere [*sic*] near this type of decline." The assessor disagreed with the inconsistent age adjustments made and further asserted no adjustment was warranted for the slight differences in age between the subject and comparables. Similarly, Lord asserted that room count adjustments were not warranted because the assessment does not adjust for room counts.

Lord further contended that the subject is in Ashwood Park, a community of custom homes, with "very few sales in this range of homes over the past three years." She also noted that the building permit for the subject was \$1.1 million whereas the permit for appraisal sale #1 was "only \$600K," but there was no documentary evidence to support the assertion regarding the comparable.² To summarize Lord wrote, "this is a custom home and is the largest home and most expensive home in the surrounding neighborhoods if not in the entire township." There was no evidence to support this contention.

The assessor also criticized the appraiser's selection of sales. She noted that there was a property that was "a little larger at 5,616 sf [*sic*] that sold 8/2009 for \$1,188,803" which Lord presented as her comparable #2. She also stated, "there was also

² The building permit for the subject was depicted on the property record card showing July 2006 for \$1.1 million.

a sale right across the street in the Tamarack subdivision that sold for \$1,199,000 and sold in 9/2009 and was 5,664 sf." which Lord presented as her comparable #1.

The two sales presented by the board of review were two-story frame or frame and brick dwellings that were built in 2009 and contain 5,664 and 5,615 square feet of living area, respectively. These comparables have basements, one of which is a walkout style, central air conditioning, one or three fireplaces and a three-car or four-car garage. The properties sold in August 2009 and September 2009 for prices of \$1,199,000 and \$1,188,803 or for \$211.68 and \$211.71 per square foot of living area, including land.

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

In written rebuttal, counsel for the appellant argued that little weight should be afforded to the board of review's submission as the letter from the assessor is unsigned, contains much hearsay with unsupported conclusions that should be stricken from the record and disregarded by the Property Tax Appeal Board. Counsel further points out that factual discrepancies which were raised by Lord were not supported by evidence and historical sales data assertions similarly lacked factual documentary support.

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 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 subject's total assessment of \$512,085 reflects a market value of \$1,540,569 or \$229.59 per square foot of living area, including land, based on the dwelling size of 6,710 square feet for the subject and when applying the 2010 three year average median level of assessments for Will County of 33.24%. The subject's total assessment reflects an estimated market value that is greater than all of the sales presented in this appeal both in terms of overall price and on a per-square-foot basis.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$1,225,000 or

\$182.56 per square foot of living area, including land, as of January 1, 2010. The sales occurred from September 2008 to September 2009 for prices ranging from \$930,000 to \$1,410,000 or from \$158.84 to \$224.63 per square foot of living area, including land. The appellant's appraiser made adjustments for various differences between the subject and comparables to arrive at the value conclusion. One noteworthy aspect of the appraisal is that the subject's final value conclusion of \$182.56 per square foot of living area, including land, is below the range of the adjusted sales prices which Jonauskas opined to be from \$189.59 to \$223.02 per square foot of living area, including land. The Property Tax Appeal Board finds that having adjusted these comparable sales for differences from the subject would lead to a value conclusion within the range of these adjusted sale prices on a per-square-foot basis, not below the range of the adjusted sales prices. Therefore, the Board finds on this record that the appraiser slightly understated the subject's value on a per-square-foot basis and the value conclusion cannot be accepted without further adjustment.

In contrast, the board of review presented two sales of newly constructed dwellings. The properties sold in August 2009 and September 2009 for prices of \$1,199,000 and \$1,188,803 or for \$211.68 and \$211.71 per square foot of living area, including land. These two homes were more than 1,000 square feet smaller than the subject dwelling which has been found to contain 6,710 square feet. The Board gives little weight to these two sales as the dwellings differ substantially from the subject by being new construction and being substantially smaller in living area.

Having examined the data in the record and having found the appraisal conclusion cannot be relied upon without further adjustment, the Property Tax Appeal Board finds that the sales contained in the appraisal report along with the market conditions articulated in the report support a finding that the subject property is overvalued based upon its assessment.

In conclusion, the Property Tax Appeal Board finds that 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: 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.