



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

APPELLANT: Leonard Krull  
DOCKET NO.: 10-00617.001-R-1  
PARCEL NO.: 01-24-13-200-011-0000

The parties of record before the Property Tax Appeal Board are Leonard Krull, 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:** \$12,341  
**IMPR.:** \$70,759  
**TOTAL:** \$83,100

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story single-family dwelling<sup>1</sup> of frame construction containing approximately 2,170 square feet of above-grade living area.<sup>2</sup> The dwelling is approximately 1 year old.<sup>3</sup> Features of the home include a full unfinished basement,<sup>4</sup> central air conditioning, two fireplaces and an attached two-car garage. The property has an approximate 1-acre site and is located in Wilmington, Custer Township, Will County.

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<sup>1</sup> The appellant described the subject as a one-story with "storage area above garage" and the appellant's appraiser described the dwelling as a 1.5-story. The board of review failed to submit a description of the dwelling or submit the property record card for the property as required in appeals before the Property Tax Appeal Board.

<sup>2</sup> The appellant and the board of review reported the dwelling contains 2,170 square feet of living area whereas the appellant's appraiser reported a dwelling size of 2,750 square feet which includes a "loft" area described in a schematic prepared by the appraiser as 539 square feet. Nothing in the record clarifies if the "loft" area is finished livable space.

<sup>3</sup> The board of review submitted a copy of the County of Will Land Use Department, Building Division, Certificate of Occupancy for the subject property issued on February 13, 2009.

<sup>4</sup> Again, both the appellant and the assessing officials report the basement is unfinished whereas the appellant's appraiser reports the basement is 10% finished.

As set forth in a brief attached to the appeal, the appellant's appeal is based on both overvaluation and lack of assessment uniformity regarding both the subject's land and improvement assessments. The appellant also reported the subject property was purchased in May 2008 for \$242,000.

In support of the overvaluation argument, the appellant submitted an appraisal estimating the subject property had a market value of \$250,000 as of July 24, 2010. The appraisal was prepared by Rafal Scharf, a State of Illinois Certified Residential Real Estate Appraiser for Interbank Mortgage Company in connection with a refinance transaction. In estimating the market value of the subject property, the appraiser developed the cost and the sales comparison approaches to value.

The appraiser described the subject property as having a residential/river view which was supported by photographs depicting the river in the distance. The site reportedly contains 34,630 square feet of land area whereas the appellant and board of review report the subject having a one-acre site, which would be equivalent to 43,560 square feet of land area. The appraiser also described the subject dwelling as containing 2,750 square feet of living area.<sup>5</sup>

Under the cost approach the appraiser estimated the subject had a site value of \$55,000. The appraiser estimated the replacement cost new of the improvements to be \$225,925. The appraiser estimated depreciation to be \$6,024 resulting in a depreciated improvement value of \$219,901. The appraiser also estimated the site improvements had a value of \$15,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$289,900 under the cost approach to value.

Using the sales comparison approach, the appraiser provided information on three comparable sales and two active listings located from .01 to 2.92-miles from the subject property. The comparables were described as 1-story, 1.5-story and 2-story dwellings of frame or frame and masonry construction that range in size from 2,000 to 2,710 square feet of living area. The dwellings range in age from 11 to 46 years old. Three of the comparables have a full basement, two of which included finished area. Each home has central air conditioning and three have a fireplace. The comparables have garages ranging from 1-car to 7-car. Comparables #2, #4 and #5 have "superior" river views as reported by the appraiser; comparable #3 has a green area view; and comparable #1 has a residential view. The comparables have sites ranging in size from 14,040 to 87,300 square feet of land area. Comparables #1, #2 and #3 sold from July 2009 to July 2010 for prices ranging from \$220,000 to \$253,800 or from \$93.65 to \$112.46 per square foot of living area, including land. The

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<sup>5</sup> Both the appellant and the board of review described the subject dwelling as containing 2,170 square feet of living area.

listings had asking prices of \$359,900 and \$349,900 or \$149.96 and \$162.74 per square foot of living area, including land.

As part of the report, the appraiser noted that there was a lack of recently closed sales within a mile of the subject. "All comparables, although not ideal, were weighted equally in the final value estimate." After making adjustments to the comparables for differences from the subject in lot size, view, quality of construction, room count, dwelling size, foundation and/or basement finish and other amenities, the appraiser estimated the comparables had adjusted prices ranging from \$223,000 to \$343,900 or from \$97.16 to \$153.44 per square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$250,000.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$250,000 as of July 24, 2010.

The appellant's appeal is also based on unequal treatment in the assessment process regarding the subject's improvement assessment. In this regard, the appellant submitted information on six comparable properties with very limited descriptive information. Five of the comparables range in age from 3 to 34 years old; no age was provided for comparable #3. Five of the homes range in size from 1,722 to 2,471 square feet of living area; no dwelling size was reported for comparable #6. Four of the comparables are said to have central air conditioning and two have a fireplace. Three of the comparables have garages ranging in size from 441 to 864 square feet of building area. Five of the comparables have improvement assessments ranging from \$48,256 to \$61,270 or from \$24.80 to \$34.57 per square foot of above-grade living area;<sup>6</sup> without a dwelling size for comparable #6, the appellant only reported the improvement assessment for this property of \$43,892. The subject's improvement assessment is \$77,648 or \$35.78 per square foot of above-grade living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$69,281 or \$31.93 per square foot of above-grade living area.

For the land inequity argument as set forth in the brief, the appellant relies upon comparables #3, #4, #5 and #6 "to show the value of 1 acre in Custer Township." The appellant contends that one-acre parcels that are "not attached to the river" are assessed at \$7,387 per acre (up to an acre). From the appellant's grid analysis, comparables #3, #4, #5 and #6 range in size from 1 to 2.88-acres and have land assessments ranging from \$7,386 to \$21,966 or from \$7,258 to \$7,735 per acre of land area. The subject has a land assessment of \$12,341. Based on this

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<sup>6</sup> The appellant reported erroneous per-square-foot improvement assessments for the comparables by including basement area in the calculations.

evidence the appellant requested a reduction in the subject's land assessment to \$7,386.

In summary on the Residential Appeal petition, the appellant requested a reduction in the subject's total assessment to \$76,667 which would reflect a market value of approximately \$230,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$89,989 was disclosed. The subject's assessment reflects a market value of \$270,725 or \$124.76 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Will County of 33.24% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted a letter and data gathered by Pam Hall, Custer Township Assessor. In the letter, Hall addresses the improvement inequity argument made by the appellant by noting certain characteristics of comparables #1, #2 and #3. However, the cited parcel numbers in the letter only match to appellant's comparable #1; the other two comparables cited by the township assessor do not appear in the appellant's appeal before the Property Tax Appeal Board based on the parcel numbers provided.

As to the land inequity argument, the township assessor wrote that "all lots about .50 acres that are adjacent to [the appellant's] property are valued at \$7386, other surrounding lots with more than .50 acres but less than 1 acre are valued at a little more than his 1 acre lot." The attached parcel map depicts six parcels that range in size from .36 to .59 of an acre with land assessments ranging from \$7,386 to \$12,341. The subject one-acre lot has a land assessment of \$12,341.

The board of review did not substantively address the appellant's market value argument.

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 a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board

finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the only current evidence of market value of the subject property in the record to be the appraisal submitted by the appellant. The appellant's appraiser developed the cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales utilized by the appraiser were somewhat similar to the subject in location, size, style, exterior construction, features, age and/or land area. These properties also sold proximate in time to the January 1, 2010 assessment date at issue. The Board finds the appraised value of \$250,000 is below the market value reflected by the assessment of \$270,725. Thus, based on this limited record of market value evidence, the Board finds the subject property had a market value of \$250,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessment for Will County of 33.24% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

The appellant also contended unequal treatment in the subject's land and improvement assessments as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is equitably assessed and no further 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

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 20, 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.