



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

APPELLANT: KPRZ Development
DOCKET NO.: 10-00767.001-R-1
PARCEL NO.: 23-15-05-404-001-0000

The parties of record before the Property Tax Appeal Board are KPRZ Development, the appellant, by attorney Mitchell L. Klein of Schiller Klein, PC, 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: \$9,105
IMPR.: \$9,177
TOTAL: \$18,282

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame construction containing 921 square feet of living area. The dwelling was constructed in 1956 or 54 years old. Features of the home include a full basement and a detached 391 square foot garage. The property has a 5,625 square foot site and is located in Steger, Crete Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$55,000 as of January 1, 2010. The appraisal was prepared by Robert J. Forsythe, a State of Illinois certified appraiser. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

The appraiser provided information on four comparable sales located from .44 to 1.12-miles from the subject property. The comparables have sites ranging in size from 6,600 to 7,500 square feet of land area. The comparables are described as one-story dwellings of frame construction that ranged in size from 864 to 1,152 square feet of living area and which were 51 or 52 years old. Comparable #4 has a full finished basement and the other three comparables have concrete slab foundations. Three

comparables have central air conditioning and each has a one-car or a two-car garage. One comparable also has a patio and fireplace. The comparables sold from July to December 2009 for prices ranging from \$47,000 to \$70,000 or from \$48.56 to \$73.20 per square foot of living area, including land.

In the report, the appraiser stated that due to the stable market, no time adjustments were required. He further stated, "Bank owned MLS listed sales are a factor affecting market value in the subject community and are represented in the comparable sales. These sales, when listed with a Realtor, are exposed to the market like any other sale and are considered arms length." After making adjustments to the comparables for differences from the subject with regard to condition, dwelling size, foundation and other amenities, the appraiser estimated the comparables had adjusted prices ranging from \$54,000 to \$62,700 or from \$51.92 to \$65.75 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 \$55,000 or \$56.58 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$37,549 was disclosed. The subject's assessment reflects a market value of \$112,963 or \$122.65 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. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review submitted a letter from the Crete Township Assessor who indicated that "none of the comps [in the appellant's appraisal] are valid" noting that sales #1 and #3 occurred in 2010¹ and "the other two were bought with special warranty deeds after foreclosures." No further documentation or support was provided as to why two of the sales were "invalid" and the assessor did not address the appraiser's assertion that each of these sales was listed with a Realtor and exposed on the market making each a valid arms length sale transaction.

In support of the subject's estimated market value as reflected by its assessment, the assessor provided information on four "valid" comparable sales improved with one-story dwellings of frame construction that range in size from 967 to 1,321 square feet of living area. The dwellings were constructed from 1954 to

¹ Appellant's appraiser reported sales #1 and #3 occurred in December and November 2009, respectively, for prices of \$47,000 and \$70,000. The assessor reported in a grid that these same properties sold in January 2010 for prices of \$50,000 and \$70,000, respectively. No documentation was submitted to support the reported date of sale by either party.

1972. One comparable has a full basement; two comparables have central air conditioning; one comparable has a fireplace; and each has a garage ranging in size from 370 to 440 square feet of building area. Each comparable is located in Steger. The comparables sold from July to November 2009 for prices ranging from \$100,000 to \$135,000 or from \$83.75 to \$139.61 per square foot of living area, including land. The assessor contended that the "amenities are similar to the subject, square footage is near the same, or slightly larger. The median sale is \$119,900, which supports our current market value." As part of the assessor's grid of comparables, the assessor reported the February 2005 sale of the subject property for \$46,000.

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

In written rebuttal, the appellant provided Multiple Listing Service sheets for the board of review comparable sales #2, #3 and #4 depicting various updates and upgrades to kitchens, baths and/or roofs which were recently made to these comparables. In addition, the appellant contended that the board of review's submission consists of "raw sales data" with no adjustments for differences and failed to identify the lot sizes of the comparables that were presented.

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 (3rd Dist. 2002); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal, a recent sale of the subject property, 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 best evidence of market value to be the appraisal of the subject property submitted by the appellant. The appellant's appraiser developed the sales comparison approach to value and adjusted the comparables for differences from the subject. The sales utilized by the appraiser were similar to the subject in location, style, exterior construction, age and/or land area. The record evidence of the board of review is inadequate to disqualify the appraiser's sales as "invalid" and the contention that two of the appraiser's sales occurred in 2010 is not well-supported and not relevant to an analysis of recent comparable sales for purposes of estimating the subject's market value on appeal. These properties also sold proximate in time to the assessment date at issue. Finally, the appraised value is

substantially below the market value reflected by the assessment and much more similar to the subject's 2005 sale price of \$46,000 that was reported by the assessor. Less weight was given the comparable sales presented by the board of review due to differences from the subject in location, dwelling size and/or age. Furthermore, the subject's 2005 sale price reflects a market value that is significantly below that of the four sales presented by the board of review and indicates that the subject property carries a lower overall value than these comparables presented by the assessor.

Based on this record the Board finds the subject property had a market value of \$55,000 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)).

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

Frank J. [unclear]

Member

Member

Mark [unclear]

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: May 24, 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.