



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

APPELLANT: Gerald Norman
DOCKET NO.: 10-00776.001-R-1
PARCEL NO.: 05-06-20-401-018-0000

The parties of record before the Property Tax Appeal Board are Gerald Norman, 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: \$47,666
IMPR.: \$109,974
TOTAL: \$157,640**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of brick construction containing 3,648 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full basement with finished area, central air conditioning, a fireplace and an attached three-car garage.¹ The property has a 17,927 square foot site and is located in Shorewood, Troy Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted information on three comparable sales located about one block away in Lake Forrest Point like the subject and with a "wooded backyard" like the subject. The comparables have sites ranging in size from 17,423 to 18,597 square feet of land area and each is improved with a two-story dwelling of brick construction. The comparables range in size from 3,359 to 3,880 square feet of living area and are either 4 or 5 years old. Features of the comparables include a basement, central air conditioning, one or two fireplaces and a

¹ The appellant contends the over-sized three-car garage contains 900 square feet of building area. The board of review in reliance upon the subject's property record card contends the garage contains 1,229 square feet of building area, however, an examination of the dimensions reported in the schematic drawing for the garage fail to support the reported size by the board of review. For purposes of this decision, the precise garage size is not imperative to a determination of the correct assessment of the subject.

garage. The comparables sold from November 2008 to October 2009 for prices ranging from \$400,000 to \$489,000 or from \$103.09 to \$143.79 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$152,445 which would reflect an estimated market value of approximately \$457,335 or \$125.37 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$189,317 was disclosed. The subject's assessment reflects a market value of \$569,546 or \$156.13 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.

The board of review submitted a letter from Patricia Gabrielson, Troy Township Assessor, along with additional evidence. The assessor contends that the subject is located in "The Pointe" section of Lake Forrest subdivision. The subdivision is reportedly divided into three sections which vary in building requirements and lot sizes. The assessor contends that appellant's comparables are not wooded lots like the subject, but rather have a row of trees followed by additional homes behind them whereas "the appellant has total privacy." Sales prices for "wooded, privacy lots" were up to \$38,000 more than the land sale prices of the appellant's comparables. The assessor presented a map depicting the location of the subject and the appellant's three comparables in addition to providing a parcel map depicting 2005 "sales prices" for land of the comparables of \$92,000 and \$96,500 whereas lots closer to the subject sold for \$130,000. Furthermore, the assessor contends that appellant's comparable #2 "had a condition issue."

The assessor presented information on four comparable sales, three of which were located in the subject's subdivision and on "The Pointe" where comparable #3 is the same property for both parties. The parcel sizes were not reported in the assessor's analysis, but each lot is improved with a two-story dwelling of brick or frame and brick construction. The homes range in size from 3,239 to 5,171 square feet of living area and the dwellings were constructed in 2006 or 2007. Features of the comparables include a full basement, one of which is a walkout style and one of which is a "look out" style. The homes have central air conditioning, one to four fireplaces and a garage. The assessor reported three of the comparables sold from July 2009 to October 2010 for prices ranging from \$515,000 to \$785,000 or from \$151.81 to \$169.54 per square foot of living area, including land.

The assessor reported comparable #3 sold on an unspecified date² by the builder who was in foreclosure for \$489,000 or \$126.72 per square foot of living area, including land, and "[w]e stippled with the owners of this home as to its value and are using that

² Appellant reported the sale occurred in September 2009.

value in our grid" which for 2011 was \$618,774 or \$160.35 per square foot of living area, including land.

In addition, the assessor made "adjustments" to the comparables which have a greater quality grade than the subject resulting in adjusted sales prices reportedly ranging from \$129.04 to \$158.74 per square foot of living area, including land. No further explanation or basis for the adjustment process was provided.

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

In written rebuttal, the appellant disputes the assessor's characterization that the appellant's comparables have only a "row" of trees behind the homes. In this regard, the appellant notes that he owns a separate parcel directly behind the subject lot which is wooded and separately assessed.

As to the assessor's comparables #1 and #2, the appellant contends that these properties are more distant from the subject being located within Phase II of the subdivision and each of these homes is much newer with superior interior finishes along with additional bathrooms, fireplaces and/or other amenities such as a pool.

In closing the appellant contends that a recent refinancing of the subject home resulted in an appraised value of \$460,000.

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 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 appellant's comparables are most similar to the subject in location, size, style, exterior construction, quality of construction, features, age and/or land area. Additionally, these properties sold proximate in time to the assessment date at issue. Due to the similarities to the subject and proximity of the dates of sale, these comparables received the most weight in the Board's analysis.

The board of review's suggested comparables are newer, have superior quality grades, have superior basement features and/or

additional amenities not enjoyed by the subject dwelling. Moreover, the Board has given no weight to the 2011 stipulated assessment of comparable #3 as being reflective of "market value," but rather the Board has considered the sale price of this property reported by the appellant. For these reasons the board of review's suggested comparables have been given reduced weight in the Board's analysis.

The appellant's comparables sold for prices ranging from \$400,000 to \$489,000 or from \$103.09 to \$143.79 per square foot of living area, including land. The subject's assessment reflects a market value of \$569,546 or \$156.13 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this record the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is justified.

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

[Signature]

Member

Member

[Signature]

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

[Signature]

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.