



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

APPELLANT: Bryan Langs
DOCKET NO.: 10-00821.001-R-1
PARCEL NO.: 14-12-21-106-001-0000

The parties of record before the Property Tax Appeal Board are Bryan Langs, 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: \$23,200
IMPR.: \$35,100
TOTAL: \$58,300

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of brick veneer exterior construction containing approximately 1,852 square feet of living area. The dwelling was constructed in 1956. Features of the home include a partial crawl-space and partial concrete slab foundation, central air conditioning and a detached two-car garage of 576 square feet of building area. The property has a .25-acre site and is located in Manhattan, Manhattan Township, Will County.

The appellant's appeal is based on both overvaluation and lack of assessment uniformity. In support of the overvaluation argument the appellant submitted an appraisal and a grid analysis of three sales comparables. In support of the inequity argument, the appellant submitted a grid analysis of three equity comparables.

To support the lack of assessment uniformity contention, the appellant submitted information on three comparable properties located within 1.5-blocks of the subject property and which have the same neighborhood code assigned by the assessor as the subject property. The parcels are improved with either a one-story or a 1.5-story frame or brick dwelling. The homes range in age from 51 to 76 years old and range in size from 1,616 to 2,017 square feet of living. Features include full or partial unfinished basements. One of the comparables has an 880 square foot garage. These three comparables have improvement

assessments ranging from \$32,650 to \$42,650 or from \$16.19 to \$22.71 per square foot of living area. The subject's improvement assessment is \$42,050 or \$22.71 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$35,100 or \$18.95 per square foot of living area.

In support of the market value argument in part, the appellant submitted three comparable sales in a grid analysis identified as comparables #4 through #6. The properties were located in the same neighborhood code assigned by the assessor as the subject property. The parcels range in size from .17 to .42 of an acre and are improved with either a one-story or a 1.5-story frame or brick dwelling. The homes range in age from 85 to 100 years old and range in size from 1,675 to 2,100 square feet of living area. Each comparable has an unfinished basement and a garage ranging in size from 280 to 880 square feet of building area. One comparable also has central air conditioning. The sales occurred from August 2008 to September 2010 for prices ranging from \$159,000 to \$175,000 or from \$76.19 to \$104.48 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$58,300 which would reflect a market value of approximately \$174,900 or \$94.44 per square foot of living area, including land.

Additional overvaluation evidence in the form of an appraisal was presented estimating the subject property had a market value of \$150,000 as of May 24, 2010. The appraisal was prepared by Cynthia Zazzetti, a State of Illinois certified appraiser for a purchase transaction. The appraiser appraised the fee simple rights in the property. In estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

As to the purchase transaction, the appraiser reported the property was under contract for \$100,000 as of April 2010 with the seller being the mother of the buyer (appellant Bryan Langs). Noting that the property had not been offered for sale on the open market in any manner, the appraiser did not deem the transaction to reflect an arm's length sale.

Under the cost approach the appraiser estimated the subject had a site value of \$30,000 by the extraction method. The appraiser estimated the cost new of the improvements to be \$208,047. The appraiser estimated physical depreciation using the age/life method to be \$89,163 resulting in a depreciated improvement value of \$118,884. The appraiser also estimated the site improvements had a value of \$5,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$153,900, rounded, under the cost approach to value.

Using the sales comparison approach the appraiser provided information on four sales and two listings located from .08 to .58 of a mile from the subject. The comparables have sites

ranging in size from 6,890 to 11,880 square feet of land area. Each parcel is improved with either a one-story or a 1.5-story dwelling of frame or brick construction that ranged in size from 1,000 to 1,918 square feet of living area. The dwellings range in age from 40 to 101 years old. Five of the comparables have a full or partial basement, two of which include finished area. Four of the homes have central air conditioning and three have a fireplace. Each comparable has a one-car or a two-car garage. Four of the comparables sold from September 2009 to March 2010 for prices ranging from \$146,000 to \$182,000 or from \$92.28 to \$146.00 per square foot of living area, including land. The listings had asking prices of \$129,900 and \$199,900 or \$112.47 and \$113.32 per square foot of living area, including land. The appraiser discussed the adjustments within an addendum. After making adjustments to the comparables for date of sale and/or differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$144,522 to \$170,903 or from \$75.35 to \$153.89 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 \$150,000.

In reconciling the two approaches to value in the addendum, the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$150,000 as of May 4, 2010.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$58,300 which would reflect a market value of approximately \$174,900.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$65,250 was disclosed. The subject's assessment reflects a market value of \$196,300 or \$105.99 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 two-page letter from Joseph R. Oldani, Manhattan Township Assessor, along with additional evidence. The assessor noted that the June 2010 sale of the subject property was between relatives as disclosed in the PTAX-203, Illinois Real Estate Transfer Declaration.

As to the appellant's appraisal report, the assessor contends that sale #3 was from "an estate sale" and that comparables #5 and #6 were "listed properties with no sale." In addition, sale #4 in the report is a different design than the subject dwelling and "was built in 1917."

In support of the subject's estimated market value as reflected by its assessment, the assessor on behalf of the board of review submitted three additional comparables along with appraiser comparables #1, #4 and #6. These six properties consist of lots

ranging in size from .16 to .2677 of an acre of land area. Each parcel is improved with a one-story or a 1.5-story dwelling of frame or masonry construction. The homes range in size from 1,306 to 1,918 square feet of living area. The dwellings were constructed from 1917 to 1970. One comparable has a full basement and three comparables have crawl-space foundations; the foundations for two of the comparables were not reported. Four comparables have central air conditioning and three have a fireplace. Each comparable has a garage ranging in size from 320 to 504 square feet of building area. Although the assessor did not report a sale price for comparable #6; for this analysis, the listing price reported in the appraisal has been considered. Thus, the comparables sold from November 2008 to March 2010 or had an asking price ranging from \$170,000 to \$199,900 or from \$92.28 to \$137.89 per square foot of living area, including land.

From this data, the assessor stated, "[t]he median sale price per square foot . . . is the average of \$109.23 and \$113.32 or \$111.28." Applying this price to the subject would reflect a value of \$206,090 which is greater than the subject's 2010 estimated market value based upon its assessment.

The assessor's grid also reported the assessments for the six suggested comparables. The properties have improvement assessments ranging from 36,050 to \$45,150 or from \$22.76 to \$29.94 per square foot of living area.

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 (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.

Given the appellant's presentation of raw sales data in addition to the appraisal which presented sales comparables with adjustments for differences, the Board has given less weight to the appraisal value conclusion and will simply examine the sales and listing data presented by both parties. The Board finds the twelve sales and listings submitted by both parties reflect prices ranging from \$159,000 to \$199,900 or from \$76.19 to \$137.89 per square foot of living area, including land. The

sales presented by both parties were similar to the subject in location, size, style,¹ exterior construction, features, age and/or land area. These properties also sold proximate in time to the assessment date at issue. To the exclusion of the listing price of \$199,900 as reflected by appraisal comparable #6, the remaining eleven sales are each below the subject's estimated market value reflected by its assessment.

Less weight was given to appellant's sales #4, #5 and #6 because each of these homes was significantly older than the subject dwelling that was 54 years old. Less weight was given to appraisal sales/listings #4, #5 and #6 also due to differences in age from the subject dwelling. The remaining six comparables identified as appraisal sales #1, #2 and #3 along with board of review sales #1, #2 and #3 were most similar to the subject in location, design, age and/or dwelling size. These comparables sold between November 2008 and March 2010 for prices ranging from \$146,000 to \$187,000. The subject has a market value based upon its assessment of \$196,300, which is higher than the sales prices of the most similar comparables on this record. Based on this record the Board finds the subject's assessment is excessive and a reduction in accordance with the appellant's request is warranted on grounds of overvaluation.

The appellant also contended unequal treatment in the subject's assessment 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.

¹ Both parties presented 1.5-story dwellings as comparable to the subject.

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

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.