



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

APPELLANT: Tom Burgstone
DOCKET NO.: 10-04139.001-R-1
PARCEL NO.: 07-01-34-403-031-0000

The parties of record before the Property Tax Appeal Board are Tom Burgstone, the appellant, by attorney Terrence J. Griffin of Eugene L. Griffin & Associates, Ltd., 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: \$45,208
IMPR: \$96,062
TOTAL: \$141,270

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story duplex dwelling of frame and masonry construction containing 3,025 square feet of living area.¹ The dwelling was constructed in 1994 and is 16 years old. Features of the home include a full walkout-style basement with finished area including a bathroom, central air conditioning, two fireplaces² and a three-car garage. The property includes a dock has a site with a water view and is located in Plainfield, Wheatland 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 \$425,000 as of January 1, 2010. The appraisal was prepared by Paul V. Jonauskas with supervision from Edward V. Kling, MAI. In estimating the market

¹ The appellant's appraiser reported a dwelling size of 3,011 square feet, but included a schematic drawing of the subject depicting 3,025 square feet. The assessor on behalf of the board of review contends that the subject contains 3,401 square feet of living area, but failed to provide a property record card or any other documentary evidence to support the purported dwelling size. The Board finds the best evidence on the record is presented by the appraiser's schematic drawing of the subject dwelling.

² The appellant's appraiser reports two fireplaces whereas the assessing officials report only one fireplace.

value of the subject property the appraiser developed the sales comparison approach to value.

As to market conditions, the appraiser reported the sale and resale of area properties supports a trend for declining property values. In the past year one property sold as compared to six active listings. Median days on the market were reported as 259 days. For 2009 there was one sale for \$432,500, for 2008 there were two sales with an average price of \$521,000 and for 2007 there was one sale at \$477,000.

Using the sales comparison approach the appraiser provided information on four comparable sales located from .07 to .36 of a mile from the subject property. The comparables are described as lots with a dock and a water view that are improved with two-story dwellings of frame and masonry construction that range in size from 2,212 to 3,133 square feet of living area. The dwellings range in age from 9 to 17 years old. Features of the comparables include a full basement, three of which are walkout-style and each of which includes finished area with a bathroom. The homes have central air conditioning, one to three fireplaces and a two-car garage. Comparable #3 also has an elevator according to the appraiser's adjustment discussion. The comparables sold from April 2008 to April 2010 for prices ranging from \$422,500 to \$528,000 or from \$134.85 to \$232.82 per square foot of living area, including land.

After making adjustments to the comparables for data of sale/time and/or for differences from the subject, the appraiser estimated the comparables had adjusted prices ranging from \$419,000 to \$426,300 or from \$135.78 to \$189.42 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 \$425,000 or \$140.50 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to approximately reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$153,682 was disclosed. The subject's assessment reflects a market value of \$462,341 or \$152.84 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 Kelli Lord, Wheatland Township Assessor, along with additional data concerning the four comparables in the appellant's appraisal. Initially, as to the subject's purported dwelling size, the assessor wrote, "[t]he owner has not agreed to a re-measure thus

far."³ In the letter, the assessor continued to criticize the appraisal data for adjustments to the four comparable sales in dwelling size based on the assessor's reported dwelling size and in addition set forth criticisms for dwelling type (row housing), age, air conditioning adjustment, fireplace adjustment, location issues and/or amount of overall adjustments. The assessor concluded her remarks that the subject is assessed within the same parameters as similar properties as shown in the grid analyzing the subject's assessment in relationship to the four sales comparables presented in the appraisal.

Based on the foregoing evidence, both the assessor and the board of review request 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.

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 gave most weight to the sales comparison approach. The sales utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features and/or age. Several of these properties also sold proximate in time to the assessment date at issue and, where the sales were more distant from the assessment date, the appraiser made adjustments. The appraised value is below the market value reflected by the assessment.

Besides the assessor's criticisms of various aspects of the appraisal comparables, the board of review's submission failed to otherwise address the appellant's market value evidence when it submitted an equity grid of the appellant's comparable sales from the appraisal report.

Based on this record the Board finds the subject property had a market value of \$425,000 as of January 1, 2010. Since market

³ The record fails to reveal any effort to invoke the provisions of Section 1910.94 of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.94).

Docket No: 10-04139.001-R-1

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.