



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

APPELLANT: David Westerveld
DOCKET NO.: 11-00096.001-R-1
PARCEL NO.: 21-14-21-413-010-0000

The parties of record before the Property Tax Appeal Board are David Westerveld, 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: \$18,904
IMPR.: \$65,096
TOTAL: \$84,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single-family dwelling of frame and masonry construction containing approximately 2,734 square feet of living area.¹ The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage of 604 square feet of building area. The property has a .22-acre site and is located in Monee, Monee 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 \$252,000 as of

¹ The appellant's appraiser reported a dwelling size for the subject of 2,734 square feet and included a detailed schematic drawing. The board of review did not provide a copy of the property record card as required by the rules of the Property Tax Appeal Board (85 Ill.Admin.Code §1910.40(a)) for the subject property to support its stated dwelling size of 2,710 square feet.

December 16, 2009. The appraisal was prepared for a refinance transaction by Barbara Seivert, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property, the appraiser developed both the cost and the sales comparison approaches to value.

As to the history of sales of the subject property, the appraiser reported the subject was purchased as new construction on February 1, 2007 for \$415,000 and in August, 2008 the subject was sold as a short sale in "as-is" condition with all appliances missing and in need of some work for \$199,000. In the addendum, the appraiser wrote:

. . . walls were damaged, vents were stuffed with trash, flooring was scratched, carpet needed replacing, and cosmetic repairs were needed in every room.

As to market area conditions, the appraiser prepared a Market Conditions Addendum to Appraisal Report that in part noted the subject's area has a large percentage of short sale and foreclosure activity that will/has affected the marketing of the subject. The subject's market area in the last 9 months had 11 foreclosures or short sales.

Under the cost approach, the appraiser estimated the subject had a site value of \$70,000. The appraiser estimated the replacement cost new of the improvements to be \$221,160. The appraiser estimated physical depreciation to be \$3,693 based on the age/life method resulting in a depreciated improvement value of \$217,467. The appraiser also estimated the site improvements had a value of \$35,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$322,467 under the cost approach to value.

Using the sales comparison approach, the appraiser provided information on three comparable sales and two listings located from .04 to .14 of a mile from the subject property. The comparables are described as two-story dwellings of brick and frame construction that range in size from 2,506 to 3,085 square feet of living area. The dwellings were 1 to 3 years old. Features of the comparables include a full unfinished basement, and central air conditioning. Four of the comparables have one or two fireplaces. The properties also have a two-car or a three-car garage. Three of the comparables sold from February to October 2009 for prices ranging from \$210,000 to \$253,425 or from \$82.41 to \$92.15 per square foot of living area, including

land. Comparables #4 and #5 had asking prices at the time of the appraisal report of \$270,000 and \$269,900, respectively, or \$94.74 and \$93.07 per square foot of living area, including land. The properties were on the market from 18 to 310 days. Comparables #2 and #3 were reported as short sales.

After making adjustments to the comparables for differences from the subject, the appraiser estimated the comparables had adjusted prices ranging from \$221,000 to \$253,425 or from \$71.64 to \$93.15 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 \$252,000 or \$92.17 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser, the appraiser estimated the subject property had a market value of \$252,000 as of December 16, 2009.

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

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$93,275 was disclosed. The subject's assessment reflects a market value of \$280,864 or \$102.73 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for Will County of 33.21% as determined by the Illinois Department of Revenue.

The board of review submitted a letter from the Monee Township Assessor who outlined criticisms of the appellant's appraisal report noting in particular that comparable #4 was a sale in the fulfillment of a settlement contract. Therefore she asserted the "price is low due to the nature of this sales." The documentation attached to support this contention was a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) indicating that the installment contract was initiated in May 2010 for a sale price of \$229,900. The document also indicated that the property had been advertised prior to its sale.

The assessor concluded that the four of the five comparables in the appraisal report present a median sales price of \$237,500.

On behalf of the board of review and in support of the subject's assessment, the Monee Township Assessor stated as follows:

Assessor has included two (3) [sic] recent sales comparables in the neighborhood of Eagle Fair in 2010 with sf of 3169 and 3241, style - 2 story+1 and 2 story, yr built - 2006-2007. Assessor's comparables sales/dates are as follows: Comp1 - \$230,000 (3/10), Comp2 - \$254,000 (3/10), Comp3 \$155,000 (7/10). The median sales price is \$230,000 as in Comp1. The sales in this neighborhood are scarce.

There was no grid analysis or attachments to support the aforesaid assertion of the assessor's suggested comparable sales.

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.

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 both the cost and sales comparison approaches to value. The appraiser also acknowledged the market conditions that involve sales of foreclosures and short sales.

As of July 16, 2010, the Property Tax Code mandates that the Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. (35 ILCS 200/16-183) The Property Tax Code defines a compulsory sale as "(i) the sale of

real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete " (35 ILCS 200/1-23)

As to the assessor's criticism of comparable #4 from the appellant's appraisal, the Board finds the appellant's appraisal report as to this property was presenting the listing or asking price which was on the market for 331 days at the time with an asking price of \$270,000. After making adjustments for differences between this property and the subject, the appraiser estimated this property would have an adjusted sale price of \$260,900. Thus, the assessor's submission establishes the ultimate sale price of this property in the installment contract sale that occurred in May 2010 for \$229,900.

Most importantly, the Board finds the sales utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features and age. The appraised value of \$252,000 is below the market value reflected by the assessment of \$280,864 or \$102.73 per square foot of living area, including land.

No weight was given to three purported comparable sales presented on behalf of the board of review by the township assessor due to the lack of supporting substantive data. The limited descriptions of the comparables outlined in the assessor's letter are insufficient upon which to base a decision. In addition, the assessor's three sales range from \$155,000 to \$254,000 with a reported median sale price of \$230,000 which is substantially below the subject's estimated market value of \$280,864 based on its assessment.

The sales and listings in the appraisal report are the best and only substantive market value evidence in the record which the Property Tax Appeal Board can examine and utilize in determining whether the subject property is overvalued as alleged by the appellant.

Based on this record, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request 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.



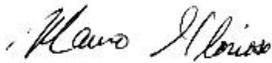
Chairman



Member



Member



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: January 24, 2014



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.