



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

APPELLANT: Marius Rozowicz
DOCKET NO.: 11-00110.001-R-1
PARCEL NO.: 16-05-02-115-002-0000

The parties of record before the Property Tax Appeal Board are Marius Rozowicz, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, 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: \$23,000
IMPR.: \$74,063
TOTAL: \$97,063

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single-family dwelling of brick exterior construction containing approximately 2,657 square feet of living area. The dwelling was constructed in 1995. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces and an attached three-car garage. The property has a 13,500 square foot site and is located in Homer Glen, Homer 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 \$285,000 as of January 1, 2011. The appraisal was prepared by Robert A. Flood and supervised by George K. Stamas, both of Meridian Appraisal &

Consulting Group, Ltd. Both Flood and Stamas are State of Illinois Certified General Real Estate Appraisers. In estimating the market value of the subject property the appraisers developed the sales comparison approach to value.

Using the sales comparison approach, the appraisers provided information on three comparable sales located from 1.64 to 2.56-miles from the subject property. The comparables are described as two-story dwellings like the subject of brick exterior construction that range in size from 2,656 to 3,063 square feet of living area. The dwellings are 16 or 18 years old. Features of the comparables include a full basement, one of which is finished with a recreation room and utility area. Each home has central air conditioning, a fireplace and a two-car or a three-car attached garage. The comparables have sites ranging in size from 12,996 to 21,780 square feet of land area. The comparables sold from January 2010 to August 2011 for prices ranging from \$284,000 to \$315,000 or from \$102.84 to \$107.54 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject in dwelling size, basement finish and/or number of fireplaces and garage size, the appraisers estimated the comparables had adjusted prices ranging from \$281,950 to \$291,500 or from \$93.72 to \$109.75 per square foot of living area, including land. Based on this data the appraisers estimated the subject had an estimated value under the sales comparison approach of \$285,000 or \$107.26 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.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$110,681 was disclosed. The subject's assessment reflects a market value of \$333,276 or \$125.43 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 Homer Township Assessor who outlined eleven criticisms of the appellant's appraisal report. In substance, the township assessor noted that none of the sales comparables were from within the subject's subdivision "or even in their section." Each comparable is more than 1-mile from the subject and none are contained within the "neighborhood boundaries" set forth on page 1 of the appraisal report which the assessor outlined in Exhibit

B consisting of a map marking the identified boundaries. To support the distance argument, the assessor included a map depicting the location of both parties' suggested comparable sales. Two of the sales in the appraisal had short market times of 9 and 38 days, despite the indicated marketing time in the report to be greater than 6 months. The appraisers made no time adjustments to the sales despite the assessor's opinion that each should have been adjusted for time.

Additionally, the township assessor noted the subject has features of a wood shake roof, cedar siding on the second floor and a screened porch, features which the appraisers did not set forth in their grid analysis and features for which the appraisers did not adjust as to the comparables. As to adjustments that were made, the township assessor contended that an adjustment of \$75 per square foot "on comparables #2 and #3 is excessive and twice the standard adjustment; it should be between \$35/SF to \$40/SF."

As to appraisal sale #2, the assessor presented Exhibit D, a copy of the PTAX-203 which indicates that the property sold in August 2011 and also was "fulfillment of installment contract - year contract initiated: 2011." The assessor also disputed the reported age of this comparable as it was built in 2004, making it seven years old, not 16 years old as reported by the appellant's appraisers.

As Exhibit E, to support the subject's assessment the township assessor submitted a two-page grid analysis with information on six comparable sales located in the subject's subdivision. The comparables are improved with two-story dwellings of brick, brick and stone, brick and stucco, "brick, other" or brick and frame exterior construction that range in size from 2,384 to 3,378 square feet of living area. The dwellings were constructed from 1974 to 2002. Features of the comparables include a full or partial basement, central air conditioning and a fireplace. Each comparable has a garage ranging in size from 497 to 867 square feet of building area. One comparable also has an inground pool. The comparables sold from June 2009 to November 2011 for prices ranging from \$276,000 to \$465,000 or from \$109.30 to \$141.25 per square foot of living area, including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In a 7-page written rebuttal, counsel for the appellant contended in pertinent part that raw-unadjusted comparable sales as submitted by the board of review do not adequately refute the appellant's appraisal. In addition, the submission lacks certain information such as time on the market, adjustments for differences from the subject and/or sale conditions.

In addition, counsel provided Multiple Listing Service (MLS) data sheets for board of review comparables #2 through #6 and reported there was no record of comparable #1 having been listed through the MLS. Counsel also relied upon the dwelling size in the MLS sheet to dispute the assessor's reported dwelling size for comparable #2. The MLS documentation also reported features such as finished basements, updates and various amenities for some of the comparables which were presented by the board of review for which no adjustments were made by the board of review when comparing these properties to the subject.

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 appellant presented an appraisal of the subject property with a value conclusion of \$285,000 as of January 1, 2011 based upon analysis of three sales of suggested comparable properties that were located from 1.64 to 2.56-miles from the subject property. The board of review submitted six comparable sales from the subject's subdivision to support the subject's estimated market value based on its assessment. The Board finds adjustments in the appraisal report are inconsistent and not well-supported. In particular, the appraiser reported in the description of the subject property that the home features a partial unfinished basement, but in the adjustment analysis

\$10,000 was added for two comparables with full unfinished basements and \$10,000 was deducted for the one comparable with a full finished basement. Given that the subject has an unfinished partial basement, the identical nature of adjustments was inconsistent. Also, the appellant's appraisers made an adjustment for functional utility as to comparable #2 that of \$10,000 due to one "more overall room[s]." As the Board finds the appraisers sales comparison adjustment analysis process has inconsistencies and poorly supported adjustments, the Board finds the appraisers' value conclusion must be given reduced weight and credibility.

As such, the Board will examine the raw sales data presented by both parties. The Board has given reduced weight to board of review comparables #1 and #2 due to these properties being significantly older than the subject dwelling. The Board has also given reduced weight to board of review comparables #5 and #6 as each of these dwellings are significantly larger than the subject property. The Board finds the best evidence of market value of the subject property to be derived from the three sales in the appellant's appraisal report and comparables #3 and #4 presented by the board of review. These five properties sold between January 2010 and August 2011 for prices ranging from \$284,000 to \$340,000 or from \$102.84 to \$116.68 per square foot of living area, including land. The subject's estimated market value of \$333,276 or \$125.43 per square foot of living area, including land, is above the most similar comparables on a per-square foot basis.

Based on the preponderance of the evidence, the Property Tax Appeal Board finds that the subject property is overvalued and a reduction in the subject's assessment 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Mario Morris

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

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.