



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

APPELLANT: Robert Kauzliaric
DOCKET NO.: 11-00146.001-R-1
PARCEL NO.: 04-10-08-151-006-0000

The parties of record before the Property Tax Appeal Board are Robert Kauzliaric, 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: \$19,850
IMPR.: \$61,817
TOTAL: \$81,667**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing approximately 2,622 square feet of living area. The dwelling was constructed in 1993. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property has a 26,800 square foot site and is located in Channahon, Channahon 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 \$245,000 as of December 31, 2010. The appraisal was prepared by Richard Snow, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value.

In the report, the appraiser provided information on three comparable sales located from .63 to 2.54-miles from the subject property. The comparables are described as two-story dwellings of frame and masonry construction that contain either 2,400 or

2,612 square feet of living area. The dwellings range in age from 6 to 9 years old. Features of the comparables include a full unfinished basement, central air conditioning and a two-car or a three-car garage. One of the comparables also has a fireplace. These comparables sold from April 2008 to September 2009 for prices ranging from \$240,000 to \$279,000 or from \$100.00 to \$106.81 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject in age, dwelling size, condition, room count and/or garage size, the appraiser estimated the comparables had adjusted prices ranging from \$234,400 to \$252,200 or from \$96.55 to \$103.08 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 \$245,000 or \$93.44 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 \$101,268 was disclosed. The subject's assessment reflects a market value of \$304,932 or \$116.30 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.

In support of the subject's assessment the board of review submitted a letter from the Channahon Township Assessor who reported that the dwelling size of the subject property was corrected after initial receipt of the appellant's appraisal report. The assessor also criticized the appraisal report as two of the sales were located in Grundy County and while the third property is within the township, it is located in a neighborhood consisting of four different models of home. None of the appraisal's sale comparables are custom and none have access to a private lake within the subdivision like the subject.

In support of the subject's assessment, the township assessor provided limited information on seven comparable sales of properties that were built from 1990 to 2000 and range in size from 2,400 to 2,700 square feet of living area. Although none of these comparables have lake rights like the subject which is located in a neighborhood of less than 100 homes "with a private lake," the assessor contends these comparables have similar

attributes "and would require fewer adjustments based on the lake rights." The two-story comparables were constructed between 1994 and 1999. The dwellings range in size from 2,430 to 2,691 square feet of living area. The comparables sold from June 2008 to October 2010 with sale prices that range from \$225,000 to \$383,000 or from \$91.84 to \$153.94 per square foot of living area, including land. The township assessor also stated these sales present a median sale price of \$116.05 per square foot and thus, the subject's assessment should be "changed to \$101,268."¹

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 the sales comparison approach to value and set forth logical adjustments for differences where appropriate. The sales utilized by the appraiser were also similar to the subject in location, size, style, exterior construction, features and/or age. The appraised value of \$245,000 is below the market value reflected by the assessment of \$304,932.

¹ The board of review final decision for the subject property reflects a total assessment of \$101,268, but the appellant filed an appeal to the Property Tax Appeal Board contending the subject property was overvalued despite this adjusted total assessment.

Less weight was given to most of the comparable sales presented by the board of review where only two sales that occurred in August 2008 and November 2009 for prices of \$298,000 and \$383,000, support the subject's total estimated market value as reflected by its assessment. Moreover, the Property Tax Appeal Board finds the most proximate sale presented by the board of review, which occurred in October 2010, sold for the lowest per-square-foot price of \$91.84. Furthermore, this sale price supports the appraised value presented by the appellant's evidence.

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.

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.