



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

APPELLANT: Richard & Debra Freeman
DOCKET NO.: 11-00193.001-R-1
PARCEL NO.: 16-05-13-276-003-0000

The parties of record before the Property Tax Appeal Board are Richard & Debra Freeman, the appellants, and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$32,691
IMPR.: \$91,614
TOTAL: \$124,305

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story brick and cedar dwelling containing 3,041 square feet of living area that was built in 1994. Amenities include a partial basement with 600 square feet of finished area, central air conditioning, a fireplace and a 770 square foot attached garage. The subject dwelling is situated on a 17,500 square foot lot and is located in Homer Glen, Homer Township, Will County.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellants submitted information on four suggested comparables located in close proximity to the subject. The comparables consist of two-story brick and cedar dwellings that were built from 1992 to 1998. The comparables have full or partial unfinished basements,

central air conditioning, a fireplace and garages that range in size from 571 to 816 square feet of building area. The dwellings range in size from 2,858 to 3,441 square feet of living area. Comparables #1 through #3 sold in May and August 2011 for prices ranging from \$321,000 to \$385,000 or from \$95.94 to \$113.86 per square foot of living area, including land. Comparable #4 sold in July 2009 for \$375,000 or \$131.21 per square foot of living area, including land.

The appellants next sought to argue based on Schedules A and B that three recent sales within the subdivision are "grossly overstated" based on their assessments for 2011. In light of this data, the appellants "conclude that our home must also be over assessed."

Based on the evidence submitted, the appellants requested a reduction in the subject's assessment to \$116,667 which would reflect a market value of approximately \$350,000 which is the sale price of comparable #1 located in close proximity to the subject and similar in age, size and some features.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$124,305 was disclosed. The subject's assessment reflects an estimated market value of \$374,300 or \$123.08 per square foot of living area including land using Will County's 2011 three-year median level of assessment of 33.21%.

In support of the subject's assessment, the board of review submitted a two-page letter addressing the appeal prepared by the Homer Township Assessor, along with property record cards, photographs, a location map and sales information on six suggested comparable properties.

With respect to the evidence submitted by the appellants regarding valuation of area properties for 2011, the assessor wrote:

While state statues [sic] indicate on or before June 1st in each general assessment year the assessor or deputy shall actually view and determine as near as practicable the value of each property listed for taxation as of January 1st of that year we feel the comparables supplied by the appellant[s] are outside the boundary. Will County mailed the 2011 assessment notices the beginning of August before any of the 2011 sales had occurred. By the time these sales had been

recorded it was impossible for this office to review any of these sales prior to the finalization of the 2011 assessments.

In support of the subject's estimated market value as reflected by its assessment, the assessor submitted six suggested comparable sales where comparables #1 through #4 were the same properties that were presented by the appellants (Exhibit C). The assessor's new comparable properties #5 and #6 consist of two-story frame and masonry dwellings that were built in 1993 and 1994. These comparables have unfinished basements, one of which is a walkout-style. The homes has a fireplace, central air conditioning and garages that contain 723 or 777 square feet of building area. Comparable #5 also has an inground pool. These homes contain 2,644 and 3,209 square feet of living area, respectively. They sold in March 2010 and March 2012 for prices of \$421,000 and \$436,039 or for \$135.88 and \$159.23 per square of living area, including land.

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 not warranted.

The appellants argued the subject property is overvalued. When market value is the basis of the appeal, the value 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

As to the appellants' effort to compare current assessments to recent sale prices of individual properties, the Board finds that they failed to utilize the proper method in calculating the assessment to value ratio for the comparables. The Board finds the proper method to calculate assessment to value ratios for ad valorem taxation purposes is by using a property's prior year's assessment divided by its arm's-length sale price. The Property Tax Appeal Board finds that it can give little credence to the

appellants' argument based on comparing 2011 assessments to recent actual sales. This type of analysis does not demonstrate the subject's assessment is not uniform or reflective of fair market value. Moreover, the United States Supreme Court has considered the requirements of equal treatment in the assessment process with respect to the Equal Protection Clause of the federal constitution. In Allegheny Pittsburgh Coal V. Webster County, 109 S.Ct. 633 (1989), the Court held that the "Clause tolerates occasional errors of state law or mistakes in judgment when valuing property for tax purposes [citation omitted]", and "does not require immediate general adjustment on the basis of the latest market developments. In each case, the constitutional requirement is the reasonable attainment of a rough equality in tax treatment of similarly situated property owners."

The parties submitted a total of six sales of comparable properties located in close proximity to the subject. The comparables have varying degrees of similarity to the subject and sold between July 2009 and March 2012 for prices ranging from \$321,000 to \$436,039 or from \$95.94 to \$159.23 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$374,300 or \$123.08 per square foot of living area including land, which is within the range of these most similar comparable sales in this record. After considering adjustments to the comparables for any differences when compared to the subject, the Property Tax Appeal Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction in the subject's assessment is warranted based on these six sales in the record.

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.