



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

APPELLANT: Daniel Zakula
DOCKET NO.: 11-00196.001-R-1
PARCEL NO.: 14-12-17-416-015-0000

The parties of record before the Property Tax Appeal Board are Daniel Zakula, 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: \$23,750
IMPR.: \$57,615
TOTAL: \$81,365**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing approximately 2,850 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a garage of 699 square feet of building area. The property has a .275-acre site and is located in Manhattan, Manhattan Township, Will County.

The appellant's appeal is based on overvaluation.¹ In support of this argument the appellant submitted three appraisals and a letter noting that two appraisals prepared in August 2011 arrived at value conclusions of \$240,000 and \$245,000, respectively. The third appraisal was prepared in September 2009 and was included "to show consistency of overvalued assessments" as the subject's 2009 assessment reflected an

¹ Although the appellant also checked comparable sales and assessment equity as bases of this appeal, the only data submitted were three separate appraisal reports along with an explanatory letter.

estimated market value of \$334,950 although this appraisal opined a market value of \$280,000.

The first appraisal² estimates the subject property had a market value of \$245,000 as of August 8, 2011. The appraisal was prepared by Samuel Antkiewicz, a State of Illinois certified 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 four sales and two listings. The comparables are improved with two-story dwellings of frame or frame and masonry construction that range in size from 2,000 to 3,500 square feet of living area. The dwellings range in age from 5 to 17 years old. Features of the comparables include a full or partial basement, three of which have finished area. Each home has central air conditioning and four have a fireplace. Each comparable has a two-car or a three-car garage. The comparables have sites ranging in size from 7,956 to 14,875 square feet of land area. Four of these comparables sold from October 2010³ to July 2011 for prices ranging from \$220,000 to \$260,000 or from \$74.65 to \$110.07 per square foot of living area, including land. Comparables #5 and #6 had asking prices of \$278,985 and \$222,000 or \$79.71 and \$98.54 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$230,300 to \$261,700 or from \$74.77 to \$124.45 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 \$85.96 per square foot of living area, including land.

The second appraisal estimates the subject property had a market value of \$240,000 as of August 17, 2011. The appraisal was prepared by Charlie Mangialardi, a State of Illinois certified 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 sales and one active listing located from .14 to .69 of a mile from

² This document was photocopied in a manner in which much information was cutoff on each of the pages (i.e., original document was legal-sized and was copied to 8 ½ x 11 paper).

³ The sale date for comparable #4 was reported as "10/10/01" and is presumed to be a transposition in the year.

the subject property. The comparables are improved with two-story dwellings of frame or frame and masonry construction that range in size from 2,134 to 3,520 square feet of living area. The dwellings are 6 or 7 years old. Features of the comparables include a full or partial basement, one of which has finished area. Each home has central air conditioning and two have a fireplace. Each comparable has a 2-car or a 2.5-car garage. The comparables have sites ranging in size from 7,840 to 11,057 square feet of land area. Three of comparables sold from January to July 2011 for prices ranging from \$221,000 to \$235,000 or from \$73.94 to \$110.12 per square foot of living area, including land. Comparable #4 had an asking price of \$279,000 or \$79.26 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$229,500 to \$258,100 or from \$76.78 to \$120.95 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 \$240,000 or \$84.21 per square foot of living area, including land.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment to \$80,000 which would reflect a market value of approximately \$240,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$93,450 was disclosed. The subject's assessment reflects a market value of \$281,391 or \$98.73 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 two-page letter from the Manhattan Township Assessor. The assessor cited the appellant's third appraisal with a valuation date of September 2009 and a market value opinion of \$280,000 in support of the subject's estimated market value based on its assessment.

In support of the subject's assessment, the township assessor also presented a grid analysis with information on five comparable sales that are either in the subject's neighborhood or adjacent thereto. One of the sales, comparable #3, was also presented as sale #2 in the second appraisal report discussed previously. These properties are improved with two-story dwellings of frame or frame and masonry construction that range

in size from 2,134 to 3,020 square feet of living area. The dwellings were constructed from 2002 to 2006. Features of the comparables include a full or partial basement, one of which includes finished area. Each home has central air conditioning and three have a fireplace. The comparables have a garage ranging in size from 440 to 810 square feet of building area. The comparables have sites ranging in size from .235 to .34-acres of land area. The comparables sold from June 2009 to July 2011 for prices ranging from \$235,000 to \$340,000 or from \$84.40 to \$118.10 per square foot 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 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 prepared by Samuel Antkiewicz with an opinion of value of \$245,000 as of August 8, 2011 which was submitted by the appellant. The appellant's appraiser developed the sales comparison approach to value and the sales utilized were similar to the subject in size, style, exterior construction, features, age and/or land area. These properties also sold proximate in time to the assessment date at issue. The opinion of value in this appraisal was also well-supported by board of review comparable sales #1, #2 and #5 which sold from July 2010 to May 2011 for prices ranging from \$84.40 to \$98.41 per square foot of living area, including land.

The Board gave less weight to the appellant's appraisal prepared by Mangialardi and less weight was given to board of review

comparables #3 and #4 for differences in dwelling size and date of sale, respectively.

The Board finds the appraised value of \$245,000 is below the market value reflected by the assessment of \$281,391. Based on this record the Board finds the subject property had a market value of \$245,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for Will County of 33.21% 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

K. L. Fen

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.