



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

APPELLANT: Gerald Sramek
DOCKET NO.: 11-00216.001-R-1
PARCEL NO.: 16-05-24-405-001-0000

The parties of record before the Property Tax Appeal Board are Gerald Sramek, 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: \$60,396
IMPR: \$82,937
TOTAL: \$143,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story English Tudor single-family dwelling of brick and frame exterior construction containing 3,620 square feet of living area.¹ The dwelling was constructed in 1980. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a three-car garage of 888 square feet of building area. The property has a 34,589 square foot site with a pond view 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 \$430,000 as of February 2, 2012. The appraisal was prepared for a refinance

¹ The appellant's appraiser included a schematic drawing that depicts the dwelling features a substantial cathedral ceiling area resulting in 3,620 square feet of living area rather than 3,827 square feet as reported by the assessing officials as part of the property record card. The Board finds the appellant's appraiser provided the best evidence of the subject's dwelling size.

transaction based on the fee simple rights in the property by Thomas J. Skibinski, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property, the appraiser developed the cost and the sales comparison approaches to value.

As to the subject dwelling, the appraiser noted that both the kitchen and bathrooms have been updated in the past one to five years with the kitchen and master bath featuring granite counter tops. Additionally there is newer ceramic tile in the foyer, kitchen and dinette along with two newer furnaces, air conditioning units and water heater.

Under the cost approach the appraiser estimated the subject had a site value of \$125,000. The appraiser estimated the replacement cost new of the improvements to be \$452,390. The appraiser estimated physical depreciation to be \$95,000 resulting in a depreciated improvement value of \$357,390. The appraiser also estimated the site improvements had a value of \$5,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$487,400 under the cost approach to value.

Using the sales comparison approach the appraiser provided information on three comparable sales and two listings located from .61 to 3.76-miles from the subject property. The comparables are described as a ranch, three Georgian and a Colonial style dwelling of similar quality of construction to the subject dwelling. The comparables range in size from 2,878 to 4,302 square feet of living area and range in age from 9 to 23 years old. Features of the comparables include a full or partial basement, two of which have finished area. Each home has central air conditioning, a fireplace and a three-car or a four-car garage. Two of the comparables have an inground pool. The comparables have sites ranging in size from 15,397 to 40,341 square feet of land area. Three of the comparables sold from May 2011 to January 2012 for prices ranging from \$400,000 to \$478,750 or from \$111.36 to \$140.87 per square foot of living area, including land. Comparables #4 and #5 had asking prices of \$464,900 and \$409,900 or \$125.65 and \$142.43 per square foot of living area, including land.

After making adjustments to the comparables for differences from the subject for lot size, view, age, room count, dwelling size, number of fireplaces and/or other amenities which were discussed in more detail in an Addendum, the appraiser estimated the comparables had adjusted prices ranging from \$410,000 to

\$466,655 or from \$103.96 to \$157.50 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 \$430,000 or \$118.78 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to value as set forth in an Addendum. He estimated the subject property had a market value of \$430,000 as of February 2, 2012.

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 \$190,675 was disclosed. The subject's assessment reflects a market value of \$574,149 or \$158.60 per square foot of living area, including land, based on a dwelling size of 3,620 square feet 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 Homer Township Assessor's Office who contended the appellant's evidence was a 2010 refinance appraisal of the subject property. As the appellant's evidence as outlined previously was a 2012 refinance appraisal, only those applicable criticisms presented by the assessor will be addressed herein. The township assessor contends that an appraisal for a refinance transaction and not for tax purposes should not be considered. The assessor also criticized the effective date of the appraisal as not being for January 1, 2011, the assessment date at issue. The assessor further criticized the consideration of active listing(s) as comparable.

In Exhibit B, the township assessor provided a two-page spreadsheet of all two-story homes in De Boer Woods subdivision. This data depicts no sales information.

In support of the subject's estimated market value based on its assessment, the township assessor provided an analysis of six sales of comparable quality from similar neighborhoods. As Exhibit C, the township assessor gridded these sales in three-pages of a standard appraisal summary report² and stated "[a]fter

² The document also has a cost approach with a site value of \$150,000, a replacement cost new of the improvements based on Marshall & Swift Valuation

the proper adjustments to the sales our final opinion of value is \$580,000 which confirms the current assessment." The document is not signed and the document does not purport to be an appraisal of the property in conformance with USPAP requirements. The six comparable sales presented in the document entitled Exterior-Only Inspection Residential Appraisal Report are located from .33 to 3.94-miles from the subject property. These comparables are two-story dwellings of brick, brick and stone or brick and frame construction that range in size from 2,675 to 4,457 square feet of living area. The dwellings were 6 to 22 years old. Features of the comparables include a full basement, three of which have finished area and two of which are walkout-style. Each home has central air conditioning, one or two fireplaces and a two-car to a four-car garage. Comparable #3 also has an inground pool. The comparables have sites ranging in size from 17,970 to 60,644 square feet of land area. The comparables sold from June 2009 to November 2010 for prices ranging from \$389,900 to \$747,500 or from \$132.03 to \$174.85 per square foot of living area, including land.

The preparer of Exhibit C made adjustments for date of sale/time, location, lot size, view, exterior construction, age, room count, dwelling size, basement finish, porch/patio/deck and/or pool amenities, resulting in adjusted sale prices ranging from \$471,800 to \$702,100 or from \$129.75 to \$176.37 per square foot of living area, including land. Based on the foregoing data and analysis, Exhibit D presents a value conclusion of \$580,000 or \$160.22 per square foot of living area, including land, based on a dwelling size of 3,620 square feet.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued that an appraisal whether for tax appeal for a mortgage transaction presents fair market value of the subject property and appellant also noted that the assessor did not discuss the appraisal evidence presented in this appeal. Furthermore, the appellant contended that the assessor chose much newer homes as comparables.

As to the assessor's contention that there are no sales in the subject's subdivision, the appellant provided documentation

Service of \$538,971, physical depreciation of \$53,897 and external obsolescence of \$53,897, along with site improvements with a value of \$30,000, resulted in an estimated market value of \$611,200 under the cost approach to value.

regarding two properties across the street from the subject which sold in August 2012 and June 2010 with sale prices that are substantially less than their estimated market values based on their respective assessments.

Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill.Admin.Code §1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. (86 Ill.Admin.Code §1910.66(c)). In light of these rules, the Property Tax Appeal Board has not considered additional sales submitted by appellant in conjunction with his rebuttal argument as these were not presented as market value comparables by the board of review in their submission.

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 cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales utilized by the appraiser were similar to the subject in varying respects and logical and credible adjustments were made to the comparables for differences from the subject. These properties also sold proximate in time to the assessment date at issue of January 1, 2011. The appraised value of \$430,000 is below the market value reflected by the assessment of \$574,149. Less weight was given to five of the six comparable sales presented by the board of

review due to differences from the subject in age and/or features. The most similar comparable #4 sold in June 2009, a date which is not proximate in time to the assessment date at issue of January 1, 2011. To the extent that this sale is considered, it supports a reduction in the subject's assessment.

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.