



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

APPELLANT: David Cryer
DOCKET NO.: 11-00334.001-R-1
PARCEL NO.: 30-07-27-205-006-0000

The parties of record before the Property Tax Appeal Board are David Cryer, 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: \$19,950
IMPR.: \$12,050
TOTAL: \$32,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story single-family dwelling of frame exterior construction that contains 3,206 square feet of living area. The dwelling was constructed in 1952. Features of the home include a concrete slab foundation and central air conditioning. The property has a 1.12-acre site and is located in Joliet, Joliet Township, Will County.

The appellant's appeal is based on overvaluation and contention of law. The appellant argued in a brief that the Will County Board of Review failed to abide by provisions of the Property Tax Code (35 ILCS 200/16-55; P.A. 96-1083) and the guidance provided by the Illinois Department of Revenue in considering short sales and bank REO sales in accordance with the new statutory language in the Property Tax Code regarding "compulsory sales."

In support of the overvaluation argument, the appellant submitted information on four comparable sales located within four blocks of the subject property. The comparables are described as either one-story or two-story dwellings of frame or frame and masonry construction that range in size from 1,800 to 2,184 square feet of living area. The dwellings are either 50 or 53 years old. Each comparable is located in the Sugar Creek neighborhood like the subject property. Features of the comparables include a full or partial basement, two of which are finished. Three of the comparables have central air conditioning, two have one or two fireplaces and each has a garage ranging in size from 440 to 720 square feet of building area. The comparables have sites ranging in size from 15,456 to 20,355 square feet of land area. The comparables sold from September 2009 to October 2011 for prices ranging from \$60,000 to \$80,000 or from \$28.57 to \$44.44 per square foot of living area, including land.

Based on this evidence and contention of law, the appellant requested a reduction in the subject's total assessment to \$32,000 which would reflect a market value of approximately \$96,000 or \$29.94 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$68,800 was disclosed. The subject's assessment reflects a market value of \$207,167 or \$64.62 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 presented a grid analysis with attached property record cards for the appellant's comparable sales #1, #2 and #3. The board of review reported a slightly smaller dwelling size for comparable #1 with frame exterior construction; comparable #2 was a two-story dwelling with a concrete slab foundation rather than the basement that was reported by the appellant; and comparable #3 does have central air conditioning also. Based on the grid of the board of review, these comparables sold for prices ranging from \$63,500 to \$80,000 or from \$29.08 to \$46.62 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 only evidence in the record are four sales which were initially presented by the appellant and the board of review made some corrections to the data, but only provided evidence as to appellant's comparables #1, #2 and #3 for this record. The Board has given reduced weight to appellant's comparables #1 and #3 as these dwellings are the smallest suggested comparables at about 1,800 square feet each whereas the subject contains 3,206 square feet. The only remaining suggested comparable sales are both two-story dwellings which differ from the subject's one-story design. These two homes contain 2,184 and 2,100 square feet of living area, respectively. These homes are relatively similar to the subject in age, foundation and location.

These two comparables sold most proximate in time to the assessment date at issue having sold in January and October 2011 for prices of \$63,500 and \$60,000 or for \$29.07 and \$28.57 per square foot of living area, including land. Due to their similarities to the subject and the dates of sale being most proximate to the assessment date of January 1, 2011, these two comparables received the most weight in the Property Tax Appeal Board's analysis. The subject's assessment reflects a market value of \$207,167 or \$64.62 per square foot of living area, including land, which is above the most similar comparable sales on this record both in terms of overall value and on a per-square-foot basis.

Accepted real estate valuation theory also provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a

property decreases, the per unit value increases. The subject dwelling contains 3,206 square feet of living area whereas the two best comparables presented are approximately 1,000 square feet smaller than the subject.

Given the data presented by both parties, the Property Tax Appeal Board finds the subject's estimated market value based on its assessment is not supported by the most similar comparable sales and the appellant demonstrated by a preponderance of the evidence that the subject was overvalued. A reduction in the subject's assessment is warranted commensurate with the appellant's request.

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: February 21, 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.