



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

APPELLANT: Barry C. Ward  
DOCKET NO.: 11-00355.001-R-1  
PARCEL NO.: 12-02-09-428-035-0000

The parties of record before the Property Tax Appeal Board are Barry C. Ward, the appellant, by attorney John K. Norris of Rubin & Norris, in Chicago, 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: \$13,400  
IMPR.: \$33,260  
TOTAL: \$46,660**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a split-level dwelling<sup>1</sup> of frame exterior construction containing approximately 1,160 square feet of living area.<sup>2</sup> The dwelling was constructed in 1976. Features of the home include a finished walkout-style lower-level,<sup>3</sup> central air conditioning and an attached one-car garage. The property has a 7,700 square foot site and is located in Bolingbrook, DuPage Township, Will County.

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<sup>1</sup> The assessing officials refer to the subject as a "tri-level," however, the property record card depicts only two floor plans.

<sup>2</sup> The assessing officials report a dwelling size of 1,441 square feet, but the schematic drawing submitted as part of the property record card is insufficiently detailed to confirm this calculation. In contrast, the appellant's appraiser included a detailed schematic to support the dwelling size determination of 1,160 square feet which is deemed to be the best evidence in this record for purposes of this appeal.

<sup>3</sup> The appellant's appraiser reported as part of the addendum that the finished lower level was not included in the gross living area calculation "as the property site slips away from the property to allow for the walk-out basement, but the main floor is still 4-5 above the lower level."

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 \$140,000 as of January 1, 2011. The appraisal was prepared by Lance Kirshner, 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.

As part of the report, Kirschner developed an analysis of market conditions which is outlined in detail in a Supplemental Addendum along with a Year-Over-Year 2009 Analysis, a Year-Over-Year 2010 Analysis and data gathered by city-data.com for the subject's zip code. From this data, he found the market has declined in the area about 12% over the past year resulting in a 1% per month time adjustment to the comparable sales in the report. The appraiser also wrote, "REO's and short-sales are a major factor in market values in the subject's immediate area. In the past year there have been a total of 137 sales in the subject's area, and 87 of these sales were either short-sales or foreclosure transactions." In light of this history, Kirschner concluded that short-sales and foreclosures account for roughly 63.5% of all transactions in the subject's immediate area over the past year.

Using the sales comparison approach, the appraiser provided information on six comparable sales located from .58 to 1.51-miles from the subject property. The comparables are described as a one-story or split-level dwellings of frame or frame and masonry construction that range in size from 1,010 to 1,320 square feet of living area. The dwellings were 28 to 39 years old. The homes include a basement/lower level, either fully or partially finished. Each home has central air conditioning and two comparables have a fireplace. Four of the dwellings also have a two-car garage. The comparables have sites ranging in size from 6,600 to 7,800 square feet of land area. The comparables sold from April to December 2010 for prices ranging from \$135,000 to \$168,500 or from \$127.65 to \$153.47 per square foot of living area, including land. After making adjustments to the comparables for sales/financing concessions and/or date of sale/time along with differences from the subject in exterior construction, age, gross living area, foundation and/or below grade finish along with garage size, the appraiser estimated the comparables had adjusted prices ranging from \$114,025 to \$151,730 or from \$112.90 to \$147.13 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 \$140,000 or \$120.69 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 \$54,700 was disclosed. The subject's assessment reflects a market value of \$164,709 or \$141.99 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 one-page memorandum from the DuPage Township Assessor outlining arguments in response to the appellant's appraisal evidence and discussing Exhibits B and C, consisting of the assessor's suggested comparable data to support the assessment of the subject property.

In the memorandum, the assessor contends that the sales utilized by Kirschner were either "invalid" sales, were not located in the subject's subdivision and/or differed from the subject in design in that comparable #3 was a one-story dwelling. To support the "invalid" contention, the assessor has provided copies of the PTAX-203 Illinois Real Estate Transfer Declarations for the purportedly "invalid" sales which indicate the properties were advertised on the market prior to their sale.

Exhibit B consists of the "Will County Sales Ratio Study for Indian Oaks - Section 9 Subdivision." This document outlines 17 "valid" sales which includes five tri-level dwellings. According to the memorandum, these five sales of tri-level dwellings present a median price of \$220,000 and an average price of \$207,300.

Exhibit C is a grid analysis with information on five comparable sales located in the subject's subdivision. The comparables are improved with tri-level dwellings which range in size from 1,621 to 2,610 square feet of living area. The dwellings were constructed from 1973 to 1976. The only amenity described in the grid analysis is the garage which range in size from 250 to 457 square feet of building area. The comparables sold from January 2008 to July 2010 for prices ranging from \$165,000 to \$253,000 or from \$84.70 to \$114.22 per square foot of living

area, including land. Handwritten notations indicate that comparables #1, #2 and #3 are "superior in size" and the "best comp" are #4 and #5, respectively.

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

In written rebuttal, counsel for the appellant responded to the contention that sales in the appraisal report were "invalid" by citing to Section 16-55(b) of the Property Tax Code (35 ILCS 200/16-55):

The board shall include compulsory sales in reviewing and correcting assessments, including, but not limited to, those compulsory sales submitted by the taxpayer, if the board determines that those sales reflect the same property characteristics and condition as those originally used to make the assessment. The board shall also consider whether the compulsory sale would otherwise be considered an arm's length transaction.

In further response to the criticisms of the appraisal report, counsel noted that the fact that comparable properties are not located in the same subdivision of the subject is not a valid reason to dismiss them. The question is whether the neighborhoods would attract a similar buyer base and provide similar amenities and therefore provide an indication of fair market value for the subject property.

As to the five sales presented by the township assessor, counsel noted the assessor's own remarks that three of the properties were "superior" to the subject and comparables #1 and #2 sold in 2008 "when the market conditions and property values were considerably greater than at the lien date of January 1, 2011, further contributing to greater values." As a final observation, counsel argued that board of review comparables #4 and #5 are the best comparables presented by the board of review, but as larger homes these dwellings have lower per-square-foot sale prices than the subject's estimated market value per-square-foot as reflected by its 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 (3<sup>rd</sup> 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 the sales utilized by the appraiser were primarily similar to the subject in location, size, style, exterior construction, features, age and/or land area. These properties also sold most proximate in time to the assessment date at issue having occurred from April to December 2010. This is in stark contrast to the sales presented by the board of review which occurred from January 2008 to July 2010. It is further noteworthy that the board of review provided only one sale from 2010 which was the lowest total sale price of the five comparables presented having sold for \$165,000.

The appraised value of \$140,000 is below the market value of \$164,709 as reflected by the assessment. Less weight was given the comparable sales presented by the board of review due to differences from the subject in size and the lack of details concerning exterior construction and features. In addition, but for comparable sale #5 presented by the board of review, the dates of sale of the board of review's comparables are not as proximate in time to the assessment date at issue of January 1, 2011.

In conclusion, based on this record the Board finds the subject property is overvalued and a reduction 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: 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.