



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

APPELLANT: Christine L. Ward
DOCKET NO.: 11-00358.001-R-1
PARCEL NO.: 12-02-08-378-001-0000

The parties of record before the Property Tax Appeal Board are Christine L. 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: \$12,400
IMPR.: \$43,260
TOTAL: \$55,660

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of frame exterior construction containing approximately 1,383 square feet of living area.¹ The dwelling was constructed in 1993. Features of the home include a concrete slab foundation, central air conditioning and an attached two-car garage. The property also has a storage shed and has a 9,420 square foot site. The property is located in Bolingbrook, DuPage Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted an appraisal estimating

¹ The assessing officials report a dwelling size of 1,363 square feet whereas the appellant's appraiser reported a dwelling size of 1,383 square feet. The Board finds this minor difference is irrelevant to determining the correct assessment of the subject property.

the subject property had a market value of \$167,000 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 to the subject property, the appraiser noted the subject site is above average size for the area and the parcel provides a view of other single family homes. Within the addendum, the appraiser noted that the subject's above average lot size "increases the market value and demand for the property."

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 median sale price has declined in the area 13.5% and the average sale price has decreased 12.3%. Thus, he opined the subject's market has declined roughly 12% over the past year resulting in a 1% per month time adjustment to the comparable sales in the report.

Using the sales comparison approach, the appraiser provided information on five comparable sales located from .18 to 1.14-miles from the subject property. The comparables are described as one-story dwellings of frame or frame and masonry construction that range in size from 1,150 to 1,670 square feet of living area. The dwellings were 10 to 39 years old. Two of the comparables have either a full or a partial basement, one of which includes finished area. Each home has central air conditioning, a fireplace and a two-car garage. The comparables have sites ranging in size from 6,760 to 9,500 square feet of land area. The comparables sold from April to December 2010 for prices ranging from \$156,250 to \$215,000 or from \$118.37 to \$152.17 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 adjustments for differences from the subject in lot size, age, gross living area, foundation and/or below grade finish along with other amenities, the appraiser estimated the comparables had adjusted prices ranging from \$161,032 to \$178,878 or from \$100.00 to \$143.18 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 \$167,000 or \$120.75 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 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$64,500 was disclosed. The subject's assessment reflects a market value of \$194,219 or \$140.43 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 Exhibit B, consisting of the sales ratio study for Brookwood Estates Subdivision.

In the memorandum, the assessor contends that the sales utilized by Kirschner as outlined in Exhibit A were either not located within the subject's subdivision, are lower quality than the subject and/or is a raised ranch design as compared to the subject's ranch design.

Exhibit B consists of the "Will County Sales Ratio Study for Brookwood Estates Subdivision." This document outlines 14 "valid" sales which includes three one-story dwellings. According to the memorandum, the 14 sales occurred from 2008 to 2010 with a "median sales ratio" of 32.09%, "which would mean the subdivision needed a 3.86% increase; township made no change."

Within Exhibit B, the assessor segregated the three properties which are one-story dwellings of 1,450 square feet of living area. This data set includes the appraiser's comparable #2. The assessor's presentation of these three properties indicates they sold between June 2008 and June 2010 for prices ranging from \$214,500 to \$234,500 or from \$147.93 to \$161.72 per square foot of living area, including land. The township assessor reported in the memorandum that the median sales price in the subdivision is \$247,000 and the average sales price is \$248,901.

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 criticisms of the appraisal report noting the fact that

comparable properties are not located in the same subdivision of the subject is not a valid reason to dismiss them.

Acknowledging a comparable sale which was presented in the appraisal as #2, counsel pointed out there were differences in dwelling size, the existence of a full basement as compared to the subject's slab foundation, and additional amenities of a deck and fireplace in the comparable which are not present for the subject.

As to the two additional sales presented by the township assessor, counsel noted there were no adjustments for differences, time of sale, or quality/condition of the properties as compared to the subject along with the fact that the assessor failed to provide details regarding these properties.

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 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. The appraiser made logical adjustments for differences from the subject and detailed the market conditions that impact values in the subject's market area. The properties utilized also sold proximate in time to the assessment date at issue having occurred from April to December 2010. This is in stark contrast to the two additional sales presented by the board of review

which occurred in June 2008 and September 2009. It is further noteworthy that the board of review provided one sale from 2010 which was also presented by the appellant's appraiser and this property presented the lowest total sale price of the three comparables presented having sold for \$214,500.

The appraised value of \$167,000 is below the market value reflected by the assessment of \$194,219. Less weight was given to the three comparable sales presented by the board of review due to the dates of the sales and, as to the common sale property, the Board finds this property is substantially superior to the subject with a full unfinished basement that is not enjoyed by the subject dwelling that has a concrete slab foundation. As such, the Board finds the adjustments presented by the appellant's appraiser for this comparable were logical and necessary for the foundation differences and other differences.

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.