



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

APPELLANT: Christine L. Ward  
DOCKET NO.: 11-00506.001-R-1  
PARCEL NO.: 12-02-16-110-021-0000

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: \$10,700  
IMPR.: \$29,300  
TOTAL: \$40,000**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a raised ranch (one-story) dwelling of frame exterior construction containing approximately 908 square feet of living area.<sup>1</sup> The dwelling was constructed in 1973. Features of the home include a full basement/lower level that is finished, central air conditioning and an attached one-car garage. The property has a 9,115 square foot site and 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 the subject property had a market value of \$120,000 as of

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<sup>1</sup> The assessing officials report a dwelling size of 864 square feet whereas the appellant's appraiser reported a dwelling size of 908 square feet. The Board finds this minor difference is irrelevant to determining the correct assessment of the subject property.

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 basement has "older, soiled berber carpeting" and the main floor also has "older stained carpeting throughout excluding the kitchen, and bathroom." Additional noted features were older wooden kitchen cabinetry, laminate counter-tops, older appliances and a portable dishwasher. Kirshner also reported the dwelling has two bedrooms on the main floor and one in the basement, but "typically single family homes in this area have 3-4 bedrooms above grade, as such the subject suffers from slight functional obsolescence." He also reported while there is an attached garage, there is no interior access to the garage.

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, the appraiser 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. 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. "These short-sales and foreclosures have a VERY STRONG adverse effect on the value of the other units in the subject's area."

Using the sales comparison approach, the appraiser provided information on five comparable sales located from .14 to 0.85 of a mile from the subject property. The comparables are described as one-story, raised ranch or split-level dwellings of frame or frame and masonry construction that range in size from 870 to 1,080 square feet of living area. The dwellings were 30 to 41 years old. The three split-level dwellings have a partial basements/lower levels with finished area.<sup>2</sup> Each home has

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<sup>2</sup> Comparable #1 which is a raised ranch like the subject has contradictory data regarding the foundation: Slab; fully finished w/BR/BA." It is further

central air conditioning and four comparables have a one-car or a two-car garage. The comparables have sites ranging in size from 6,500 to 8,400 square feet of land area. The comparables sold from April to December 2010 for prices ranging from \$130,000 to \$150,000 or from \$120.37 to \$170.11 per square foot of living area, including land. After making adjustments to the comparables for date of sale/time along with adjustments for differences from the subject in lot size, exterior construction, gross living area, basement size and/or below grade finish, functional utility (number of bedrooms) along with other amenities, the appraiser estimated the comparables had adjusted prices ranging from \$105,390 to \$140,265 or from \$104.35 to \$142.35 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 \$120,000 or \$132.16 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 \$50,100 was disclosed. The subject's assessment reflects a market value of \$150,858 or \$166.14 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 Cinnamon Creek Stone Mill Subdivision.

In the memorandum, the assessor contends that the sales utilized by Kirschner as outlined in Exhibit A were in some instances not located within the subject's subdivision, are not a raised ranch design and/or are not "valid" sales. To support the invalidity contention, the assessor provided copies of the PTAX-203 Illinois Real Estate Transfer Declaration which indicated the properties were advertised prior to their sale. The assessor argues that the appraiser's comparable #1 is the same model as the subject and thus similar to the subject despite its lack of a garage. In conclusion, the assessor argued that the

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noted that no adjustment was made by the appraiser for a difference in foundation for this comparable.

unadjusted sale price of this property supports the subject's estimated market value on a per-square-foot basis.

The assessor wrote, "[t]ownships use three years of valid sales prior to the assessment date. Sales are from 2008-2010." Exhibit B consists of the "Will County Sales Ratio Study for Cinnamon Creek Stone Mill Subdivision." This document outlines 16 "valid" sales that occurred from 2008-2010. According to the memorandum, the 16 sales present a "median sales ratio" of 33.39%, "which would mean the subdivision needed no change. However, the township gave -15% reduction based on other factors in the area."

Next, in Exhibit C the assessor segregated the four sales of raised ranches in the subject's subdivision. The comparables range in dwelling size from 864 to 1,114 square feet of living area and they were constructed in 1971 or 1974. The assessor's presentation of these four properties indicates they sold between January 2008 and September 2009 for prices ranging from \$177,000 to \$219,900 or from \$158.89 to \$236.20 per square foot of living area, including land.

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.

Counsel for the appellant also 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. Counsel argued that factors including location and school districts are often relevant to the analysis of comparability.

Counsel further noted there is a discrepancy in the evidence where the appraiser found comparable #1 features a two-car garage, but the township assessor asserted there was no garage for this property.

As to the four additional sales presented by the township assessor, counsel noted there were similarities in location and size, however, the dates of sale were distant from the assessment date.

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.

As an initial matter, the Board finds the best evidence of appraisal comparable #1 can be derived from the photograph of the property which is contained within the appraisal. The Board finds the dwelling is a raised ranch with a lower level/basement and no visible garage.

The subject's total assessment of \$50,100 reflects a market value of \$150,858 or \$166.14 per square foot of living area, including land, when applying the 2011 three year average median level of assessments for Will County of 33.21%. The Property Tax Appeal Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$120,000 as of January 1, 2011.

To arrive at the value conclusion, the appraiser analyzed and relied upon five sales that were relatively close in proximity to the subject, but which consisted of only one raised ranch, along with a one-story dwelling and three split-level dwellings as compared to the subject's raised ranch design. The Board

finds the appraiser provided no adjustment for this design difference and only noted these were the "best sale [comparables] available at the time of inspection." The dwellings are similar to the subject in living area square footage. While an error occurred in comparable #1 regarding the garage feature, applying a greater downward adjustment for the lack of a garage would merely further reduce the adjusted sale price of \$123,845.

The Board finds that besides the garage, the appraiser made what appear to be logical and consistent adjustments for differences between the subject and comparable #1 which ultimately supports the appraiser's value conclusion of \$120,000.

The Property Tax Appeal Board also finds the board of review presented data regarding four sales that occurred in 2008 and 2009. These properties were each raised ranch dwellings and these homes were built in a contemporaneous timeframe with the subject. However, the Property Tax Appeal Board has given little weight to board of review's suggested sales due to the dated sales when the assessment date is January 1, 2011.

In summary and after giving due consideration value conclusion in the appraisal report along with the various adjustments made by the appraiser, the Property Tax Appeal Board finds that the appraisal is the best evidence of value in the record and the subject dwelling is overvalued in light of its assessment that reflects an estimated market value of \$150,858. The Property Tax Appeal Board finds that the subject's assessment is not reflective of the property's estimated market value as of January 1, 2011 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: 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.