



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

APPELLANT: Adam Charnisky
DOCKET NO.: 11-00559.001-R-1
PARCEL NO.: 07-01-06-108-003-0000

The parties of record before the Property Tax Appeal Board are Adam Charnisky, the appellant; and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$ 21,070
IMPR: \$ 85,530
TOTAL: \$ 106,600

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story frame dwelling with 3,117 square feet of living area. The dwelling was constructed in 1998. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 683 square foot attached three-car garage. The property has a 10,010 square foot site and is located in Wheatland Township, Will County.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of these arguments, the appellant submitted four assessment comparables, two comparable

sales, an appraisal of the subject property and the sale of the subject property.

The four assessment comparables had varying degrees of similarity when compared to the subject. The appellant did not provide the land sizes of the suggested comparables. They each had a land assessment of \$21,140. Their improvement assessments ranged from \$75,590 to \$85,560 or from \$24.26 to \$25.76 per square foot of living area. The subject property has a land assessment of \$21,070 and an improvement assessment of \$85,530 or \$27.44 per square foot of living area.

The two comparable sales, based on information from the Zillow.com website, were reported to contain 3,146 and 3,300 square feet of living area. One comparable was reported to be a two-story dwelling with a three-car garage. No other descriptive information was provided for the suggested comparables such as their land sizes, age, exterior construction, features or proximate location for comparison to the subject. The properties reportedly sold in November 2010 and April 2011 for prices of \$240,000 and \$282,500 or \$72.73 and \$89.90 per square foot of living area including land.

The appraisal submitted by the appellant estimated a fair market value for the subject property of \$295,000 as of October 10, 2011. The appraisal was prepared for a refinance transaction with the client listed as First Centennial Mortgage. The intended user of the appraisal report was the client/lender with no other intended users identified.

Under the cost approach to value, the appraiser estimated the subject's market value to be \$295,402. Under the sales comparison approach to value, the appraiser utilized three suggested comparable sales and two active listing comparables. The comparables had varying degrees of similarity when compared to the subject. Three comparables sold from April to July of 2011 for prices ranging from \$285,000 to \$320,000 or from \$92.74 to \$101.75 per square foot of living area including land. Two comparables were offered for sale for prices of \$289,750 and \$369,500 or \$90.97 and \$116.64 per square foot of living area including land. The appraiser made adjustments to the comparables for differences when compared to the subject in arriving at the conclusion of value under the sales comparison approach of \$295,000. Under reconciliation, the appraiser placed primary emphasis on the sales comparison approach to value with support from the cost approach in arriving at the final value conclusion of \$295,000 as of October 10, 2011.

In further support of the overvaluation claim, the appellant argued the subject property was purchased in an arm's-length transaction for \$285,000 in July 2008.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$106,600. The subject's assessment reflects a market value of \$320,988 or \$102.98 per square foot of living area including land when applying Will County's 2011 three-year average median level of assessment of 33.21% as determined by the Illinois Department of Revenue.

In support of the subject assessment, the board of review submitted a narrative letter addressing the appeal, property record cards and an analysis of 12 suggested sales and assessment comparables. The evidence was prepared by the Wheatland Township Assessor, Kelli Lord.

With respect to the evidence submitted by the appellant, the assessor argued the subject's 2008 sale is too old for a 2011 assessment appeal and the subject's sale was a result of foreclosure, therefore, not an arm's-length transaction. The assessor argued comparable sales #2 and #4 contained in the appraisal are not located in the subject's township. The assessor argued the two other comparable sales submitted by the appellant are not located in the subject's neighborhood and are tract dwellings, whereas the subject is a semi-custom built home. The assessor also criticized the appellant's evidence because he did not submit property record cards.

The comparables submitted by the board of review are located in the subject's assessment neighborhood and had varying degrees of similarity when compared to the subject. The comparables sold from July 2009 to August 2012 for prices ranging from \$285,000 to \$360,000 or from \$89.73 to \$116.09 per square foot of living area including land. These suggested comparables have improvement assessments ranging from \$82,560 to \$90,880 or from \$26.78 to \$28.88 per square foot of living area. All the comparables have land assessments of \$21,070 like the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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. 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 appellant also contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of

distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet either of these burdens of proof. Therefore, no reduction in the subject's assessment is warranted.

With respect to the market value evidence contained in this record, the board gave little weight to the appraisal submitted by the appellant, the subject's 2008 sale price, two suggested comparable sales submitted by the appellant and six of the suggested comparable sales submitted by the board of review. The appraisal submitted by the appellant was for refinance purposes and the appellant was not an authorized user of the report. The effective valuation date of the appraisal was ten months after the subject's January 1, 2011 assessment date. The Board further finds the adjustments performed by the appraiser to the comparable sales for financing, date of sale and dwelling size (\$25.00 per square foot of living area) to be suspect and not supported by corroborating market data within the appraisal report. The Board finds the subject's 2008 sale price is dated and not a reliable indicator of market value in relation to the subject's January 1, 2011 assessment date. The Board finds the two additional comparable sales submitted by the appellant lacked descriptive detail for any type of constructive comparative analysis. Finally, the Board finds six of the comparable sales submitted on behalf of the board of review sold in 2009 or 2012, which are less reliable indicators of market value due to their distant sale dates in relation to the subject's January 1, 2011 assessment date.

The Board finds the best evidence of market value to be comparable sales #4 through #9 submitted by the board of review. These comparables are located in close proximity within the subject's assessment neighborhood and are similar to the subject in design, age, size, and most features. These comparables sold from April 2010 to October 2011 for prices ranging from \$285,000 to \$335,000 or from \$89.73 to \$110.52 per square foot of living area including land. The subject's assessment reflects a market value of \$320,988 or \$102.98 per square foot of living area including land, which is supported by the most similar comparable sales contained in this record.

With respect to the assessment inequity claim, the record contains 16 suggested assessment comparables submitted by both parties for the Board's consideration. The comparables are located in close proximity within the subject's neighborhood and are similar to the subject in design, age, size, and most features. They have improvement assessments ranging from \$75,590 to \$90,880 or from \$24.26 to \$28.88 per square foot of living area. The subject property has an improvement assessment of \$85,530 or \$27.44 per square foot of living area, which falls within the range established by the similar assessment comparables contained in this record. All the comparables have land assessments of \$21,070 or \$21,140, which supports the

subject's land assessment of \$21,070. Therefore no reduction in the subject's land or improvement assessment is warranted.

In conclusion, the Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence. In addition, the appellant did not demonstrate by clear and convincing evidence that the subject property was inequitably assessed. Thus, the Board finds no reduction in the subject's assessment 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.

Donald R. Cuit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Marko M. Liscio

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: October 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.