



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

APPELLANT: Richard Frothingham
DOCKET NO.: 11-00563.001-R-1
PARCEL NO.: 16-05-02-310-023-0000

The parties of record before the Property Tax Appeal Board are Richard Frothingham, 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: \$23,000
IMPR.: \$70,304
TOTAL: \$93,304

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 dwelling¹ of brick and stucco construction with 2,422 square feet of living area. The dwelling was constructed in 1986. Features of the home

¹ Both parties agree the subject has been classified as a two-story, but the actual design is more commonly described and referred to as a split-level.

include a partial lower level, central air conditioning, a fireplace and an attached 520 square foot garage. The property has a 13,020 square foot site and is located in Homer Glen, Homer Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information in the Section V grid analysis in the appeal petition on four comparable sales with attachments of the applicable property record cards and Multiple Listing Service data sheets. In addition, the appellant included a letter from Jan Natywa, a real estate broker, who indicated in January 2012 that the subject property could be listed for \$275,000 to \$280,000 with an expected final sale price of \$265,000 to \$270,000. The broker included no sales data upon which her opinions were developed. The appellant also provided three additional Multiple Listing Service data sheets for sales that occurred between March 2008 and October 2009 for prices ranging from \$255,000 to \$275,000. Only one of these descriptions set forth the dwelling size of approximately 2,831 square feet of living area.

Based on the foregoing evidence, the appellant requested a total assessment of \$89,000 which would reflect a market value of approximately \$267,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$101,584. The subject's assessment reflects a market value of \$305,884 or \$126.29 per square foot of living area, land included, when using 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 its contention of the correct assessment the board of review submitted a two-page letter from Karen Szykowski, Homer Township Assessor, along with additional evidence which she gathered. The assessor noted that the appellant's comparables were from subdivisions which the assessor "feels" are all part of the same neighborhood. However, she pointed out that comparable #1 sold in 2008 and was a short sale (Exhibit B) and the dwelling in comparable #3 was almost twice as big as the subject home "and was a divorce sale." She also noted the letter from the broker lacked data to support her valuation claim for the subject property.

The assessor provided a grid analysis with information on six comparables sales of two-story masonry/other or frame and masonry construction that were built between 1974 and 2001. These homes range in size from 2,071 to 3,192 square feet of living area and feature full or partial basements, one of which is a walkout style, central air conditioning and a garage ranging in size from 561 to 779 square feet of building area. Five of the comparables also have a fireplace. These six comparables sold between June 2009 and May 2011 for prices ranging from \$300,000 to \$495,000 or from \$109.30 to \$169.17 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In rebuttal, the appellant contends that a sale in 2008 for a 2011 assessment appeal is sufficiently recent and should be considered. The appellant also summarily disputes the assertion that a short sale is not reflective of market value. Similarly, as to the assessor's criticism that appellant's comparable #3 was a "divorce sale" does not mean the sale was not reflective of market value. Appellant made further arguments why the broker's opinion should be considered on this record given her expertise and experience in the subject's immediate area.

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 Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given no weight to the broker's letter submitted by the appellant. First, there was no indication in the letter, other than the date of January 31, 2012, as to the effective date of the estimate/opinion of value. Second, the letter did not have a definition of market value that was used. Third, there was little information with respect to the credentials or qualifications of the broker to provide estimates of market value; there is no indication the broker is a licensed appraiser in the State of Illinois. Fourth, and most importantly, there was no data such as a description of the comparable sales and the sale dates that were used to establish

the broker's opinion of value. Without this information the Property Tax Appeal Board cannot determine the reliability and validity of the broker's estimate of value.

The Board has also given no weight to the three comparable sales depicted only in the Multiple Listing Service data sheets attached to the appeal as these data sheets lack the dwelling size(s), age(s), feature(s) and/or location of these comparables in comparison to the subject as required in the Section V grid analysis of the appeal petition.

The Board has given reduced weight to appellant's comparable #1 and board of review comparables #1, #3 and #6 as these properties sold in 2008 and 2009, which dates are more distant from the assessment date at issue of January 1, 2011 and thus, less likely to be indicative of the subject's market value. Additionally, the Board has given reduced weight to appellant's comparable #3 due to its substantially larger size than the subject dwelling and has afforded reduced weight to board of review comparable #5 due to its age, having been built in 1974 as compared to the subject which was built in 1986.

The Board finds the best evidence of market value to be appellant's comparable sales #2 and #4 along with board of review comparable sales #2 and #4. These four most similar comparables sold between September 2010 and May 2011 for prices ranging from \$85.45 to \$116.68 per square foot of living area, including land. The subject's assessment reflects a market value of \$126.29 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

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: June 20, 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.