



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

APPELLANT: John D. Tofanelli
DOCKET NO.: 11-00567.001-R-1
PARCEL NO.: 16-05-12-402-057-0000

The parties of record before the Property Tax Appeal Board are John D. Tofanelli, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher, 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: \$47,634
IMPR: \$132,131
TOTAL: \$179,765

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 parcel is improved with a two-story brick and cedar exterior constructed single-family dwelling which is 20 years old. The dwelling contains approximately 3,401 square feet of living area with a full finished basement, central air conditioning, two fireplaces, an attached three-car garage and

an in-ground swimming pool. The subject property is located in Homer Glen, Homer Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this market value argument, the appellant submitted an appraisal prepared by Theodore Heichert, a State Certified Residential Real Estate Appraiser, with Appraisal Research Counselors in Chicago. The purpose of the appraisal was for a refinance transaction, but the property rights appraised were fee simple. The appraiser used two of the three traditional approaches to value in concluding an estimated market value of \$480,000 for the subject property as of November 23, 2010.

Under the cost approach, the appraiser estimated the subject's land value at \$70,000 based on researching recent land sales within the subject's neighborhood. The appraiser determined a replacement cost new for the subject of \$452,114. Physical depreciation of \$28,257 was calculated based on the Economic Age/Life Method resulting in a depreciated value of improvements of \$423,857. No value for site improvements was reported. Adding back the site value, the appraiser reported an estimated market value under the cost approach of \$493,900 for the subject.

Under the sales comparison approach, the appraiser used three sales and two listings of comparable homes located between 1.65 and 2.27-miles from the subject property. The report indicates the properties were on the market for periods ranging from 116 to 475 days. The report included a map depicting the location of the subject and comparables. The comparable parcels range in size from 14,840 to 87,120 square feet of land area. The parcels are improved with two-story brick and cedar dwellings that range in age from 7 to 24 years old. The dwellings range in size from 3,400 to 3,700 square feet of living area. Each of the comparables has a full basement, two of which had finished area, central air conditioning, one or two fireplaces and a three-car garage.

In comparing the comparable properties to the subject, the appraiser made adjustments to the active listings for date of sale/time. Adjustments were also made for lot size, room count, dwelling size, basement finish, porch/patio/deck features and fence/fireplace/pool differences of \$11,000 to \$13,500. The analysis resulted in adjusted sales prices for the comparables ranging from \$479,500 to \$506,703 or from \$130.46 to \$145.78 per square foot of living area, including land. From this process,

the appraiser estimated a value for the subject by the sales comparison approach of \$480,000 or \$141.13 per square foot of living area including land.

In the final reconciliation in the addendum, the appraiser concluded an estimate of value of \$480,000 giving the sales comparison approach the greatest weight as it best reflects market value with support from the cost approach.

Based on the foregoing evidence, the appellant requested a total assessment of \$179,765 which would reflect a market value of approximately \$539,350 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$221,085. The subject's assessment reflects a market value of \$665,718 or \$195.74 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 response to the appeal, the board of review presented a two-page letter from Karen Szynkowski, Homer Township Assessor, outlining criticisms and shortcomings of the appellant's appraisal along with, Exhibit C, an "Exterior-Only Inspection Residential Appraisal Report" concerning the subject consisting of three pages with adjustments to six sales with a final value conclusion of \$695,000 as of January 1, 2011. The document is unsigned and is paginated as several pages of "6."

In the letter, the assessor enumerated nine criticisms of the appraisal. She stated the appraisal report was for a refinance transaction and not for tax purposes, therefore, it "should not be considered." In addition, the date of valuation is November 23, 2010, not the assessment date of January 1, 2011. Comparable #1 was erroneously reported as to lot size and dwelling size (Exhibit B). The assessor believes the appraiser made adjustments for fences "we do not believe fences should require an adjustment." The assessor contends the report fails to detail how dwelling size adjustments of \$30 per square foot were ascertained. Comparables #4 and #5 are active listings. The assessor also noted that the cost approach lacked calculations. "We disagree with the subject property being average quality." As a final criticism of the appraisal, the assessor wrote, "[t]he finished basement adjustment appears low.

We also don't understand the difference between the basement adjustments on comp 1 vs. comp 3."

In order to present comparable sales, the assessor reported because the subject's subdivision of Meadows Edge "has not had a sale in over 5 years" comparables were selected from outside the subdivision. In Exhibit C, the assessor presented the comparable sales in a standard appraisal summary report. "After adjustments to the sales the final opinion of value is \$695,000."

In Exhibit C, the assessor reported the comparable properties were located from .44 to 4.55-miles from the subject. The parcels range in size from 15,038 to 61,392 square feet of land area and are improved with two-story brick and stone, brick and frame, brick, stone and frame or brick, stone and stucco constructed dwellings. The homes range in age from 3 to 14 years old and range in size from 3,634 to 7,135 square feet of living area. Each comparable has a full basement, four of which have finished area, central air conditioning, one to four fireplaces and three-car to five-car garages. Comparable #6 has an in-ground pool. The comparables sold between February 2010 and September 2011 for prices ranging from \$475,000 to \$1,600,000 or from \$130.71 to \$224.25 per square foot of living area, including land.

The assessor set forth downward adjustments for date of sale/time for each of the 2010 sales and an upward adjustment for the September 2011 sale for time/date of sale. She further adjusted the comparables for quality of construction, age, room count (both bath and bedroom), dwelling size, basement finish, porch/patio/deck and by \$15,000 for comparables without swimming pools. From this data, the assessor reported adjusted sales prices ranging from \$477,000 to \$1,414,300. Whomever prepared this document concluded a value of \$695,000 or \$204.35 per square foot of living area, including land. She also reported in Exhibit C a cost approach analysis with a site value of \$145,000 derived from "sold/closed, active listings, assessors files or appraisers files." The cost approach presented an estimated value of \$672,200 for the subject.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$480,000 as of November 23, 2010. To arrive at this opinion, the appraiser analyzed sales and listings that occurred in 2010. On behalf of the board of review, the assessor presented criticisms of the appraisal report and six sales of suggested comparables. Appellant's appraiser sale #2 is the same property as board of review sale #3. As to the board of review's suggested sales, four of the homes differed significantly in size from the subject dwelling whereas the appraiser's chosen comparable sales were all relatively similar in dwelling size to the subject. Only board of review comparables #2 and #5 were similar to the subject in size.

Based on the date of sales presented by both parties, the Board finds little merit in the assessor's criticism of the date of value in the appraisal report which is only two months before the assessment date of January 1, 2011. The assessor's criticism of the appraisal for errors in lot size and/or related adjustments to lot size are similarly unpersuasive when in the assessor's adjustment process despite substantial differences in lot size, failed to explain any of the site size adjustments in the analysis.

The assertion by the assessor that the appellant's appraiser made "adjustments for fences" is unsupported on the record. The appraiser listed within "amenities" the subject's fence, two fireplaces and deck with a separate line for the pool. In the document adjustments to these lines ranged from \$5,000 to \$15,000. In summary, the assessor presented a line dedicated to the pool and adjusted each comparable by \$15,000 for the lack of a pool, thus suggesting that both parties made notably similar adjustments for the pool amenity.

While the assessor criticizes the lack of support for a \$30 dwelling size adjustment for differences, the assessor likewise did not set forth any substantive explanation for the reported

dwelling size adjustments which are greater than \$30 per square foot of living area. Likewise, the assessor's criticism of the condition determination of the subject is irrelevant. The appellant's appraiser reported the subject and each of the comparables to be "average" and thus equal to one another which did not necessitate any adjustment for differences in condition. The assessor in Exhibit C reported the subject and each of the suggested comparables as being "very good" for condition which likewise did not require adjustment since there was no difference in condition among the properties.

In conclusion, the Property Tax Appeal Board finds the criticisms presented by the board of review through the township assessor are either irrelevant to a market value determination, erroneous assertions, or criticized factual statements which were not sufficiently supported to overcome the facts presented in the appraisal.

Perhaps one of the least valid criticisms made by the board of review concerns the date of valuation in the appellant's appraisal, being a date a mere two months prior to the assessment date of January 1, 2011.

As to the appellant's appraisal report, the Board finds that the appraiser appears to have placed most reliance upon sale #1 which occurred in June 2010 and had an adjusted sale price of \$141.03 per square foot of living area. This adjusted sale price is very similar to the value conclusion for the subject property on a per-square-foot basis. In contrast, the board of review primarily relied upon sales of much larger dwellings that were also much newer than the subject, with substantial adjustments for each of these differences.

Finally, the Board finds that the two most similar sales presented by the board of review, #2 and #5, both support the assertion that the subject property is overvalued. The Property Tax Appeal Board has placed no weight on the assessor's value conclusion as depicted in Exhibit C due to the incomplete nature of the presentation. The document is not a properly prepared complete appraisal report and to the extent that it seeks to present comparable sales with adjustments, the adjustments are not well explained in the submission.

While the board of review raised nine criticisms and/or shortcomings it perceived in the appellant's appraisal, having examined the entire record, the Property Tax Appeal Board finds that as outlined above and despite those criticisms, the

appraisal submitted by the appellant estimating the subject's market value of \$480,000 is the best evidence of the subject's market value in the record.

The subject's assessment reflects a market value of approximately \$665,718 or \$195.74 per square foot of living area, including land, which is greater than the estimated market value conclusion in the appraisal. In the absence of any other substantive market value evidence regarding the subject property, the Board finds the appellant has demonstrated that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is warranted commensurate with the appellant's request.

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.