



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

APPELLANT: Stanislaw & Janina Styrzczula
DOCKET NO.: 11-01332.001-R-1
PARCEL NO.: 16-05-22-305-006-0000

The parties of record before the Property Tax Appeal Board are Stanislaw & Janina Styrzczula, the appellants, 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: \$17,000
IMPR.: \$67,992
TOTAL: \$84,992

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 dwelling of frame and masonry construction with 2,742 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full walkout style basement with finished area, central air conditioning and an attached two-car garage. The property has a 9,000 square foot site and is located in Lockport, Homer Township, Will County.

The appellants contend overvaluation as the basis of the appeal.¹ In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$255,000 as of January 1, 2011. The appraiser analyzed three sales of two-story frame or frame and masonry dwellings that were built between 2001 and 2004. The homes range in size from 2,541 to 1,836 square feet of living area and feature full unfinished basements, central air conditioning and a two-car or a three-car garage. One comparable also has a fireplace. These properties sold between September 2008 and October 2010 for prices ranging from \$230,000 to \$255,000 or from \$89.92 to \$90.52 per square foot of living area, including land.

Based on this evidence, the appellants requested an assessment reduction to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$104,205. The subject's assessment reflects a market value of \$313,776 or \$114.43 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.

The board of review submitted a two-page letter from Karen Szykowski, Homer Township Assessor, along with additional data to support the assessment. In the letter, the assessor contended that appraisal comparable #1 was an "estate sale" (Exhibit B)²; comparable #2 sold as reported in 2008, however, it was a foreclosure and in 2012 the property sold for \$272,500 (Exhibit C)³; and comparable #3 in the appraisal was a short sale (Exhibit D)⁴. The assessor also contends that the subject property has a finished walkout basement feature which is not present in any of the appraisal comparable sales and she asserted the adjustment for this difference was "low."

¹ The appellants also marked comparable sales and presented the same three sales from their appraisal report in the Section V grid analysis of the Residential Appeal petition.

² Exhibit B is a copy of the Multiple Listing Service data sheet depicting the property was exposed on the open market for 163 days prior to its sale.

³ Exhibit C is a copy of the PTAX-203 Illinois Real Estate Transfer Declaration indicating the property sold in November 2012 after having been advertised for a price of \$272,500.

⁴ Exhibit D is a copy of the Multiple Listing Service data sheet for the property indicating it was listed on the market for a period of 10 days and was sold "pursuant to short sale."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparables sales of two-story frame or frame and masonry dwellings. The homes were built between 2000 and 2003 and range in size from 1,822 to 2,229 square feet of living area. Each comparable has a full or partial basement, one of which is a walkout style, central air conditioning and a garage ranging in size from 441 to 478 square feet of building area. One comparable also has an in-ground pool. The properties sold between June 2009 and September 2011 for prices ranging from \$250,000 to \$280,000 or from \$125.36 to \$144.49 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

As to the sales presented in the appellants' appraisal report which were criticized by the township assessor, the Board finds that Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011. The Board finds the best evidence of market value to be the appraisal submitted by the appellants with an opinion of value of \$255,000.

Furthermore, the Board finds that the board of review's suggested comparable sales range from \$250,000 to \$280,000 with the highest sale price having occurred most distant from the assessment date of January 1, 2011. While this highest sale price does reflect a home with a walkout basement, the Board finds that the lack of proximity in time to the assessment date of the sale detracts from the relevance of the sale price to the subject's market value as of January 1, 2011.

The subject's assessment reflects a market value of \$313,776 or \$114.43 per square foot of living area, including land, which is above both the appraised value and substantially above the range established by the board of review's comparable sales. On this record, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellants' 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. Fen

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: July 18, 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.