



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

APPELLANT: Janet & Ray Zarack
DOCKET NO.: 12-00212.001-R-1
PARCEL NO.: 15-08-11-201-001-0000

The parties of record before the Property Tax Appeal Board are Janet & Ray Zarack, 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: \$ 62,347
IMPR: \$116,150
TOTAL: \$178,497

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 2012 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 one-story hillside ranch style brick dwelling with 3,239 square feet of living area¹. The dwelling was constructed in 1996. Features of the home include a full unfinished walkout basement, central air conditioning, two fireplaces, a swimming pool, a pool house and a four car garage.

¹ The evidence in this record depicts three different dwelling sizes for the subject property of 3,222, 3,239 and 3,286 square feet of living area. The Board finds the minimal differences in dwelling size to be insignificant in this appeal. For purposes of analysis, the Board finds the subject dwelling contains 3,239 square feet of living area.

The property has a 4.87 acre site and is located in New Lenox Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted two appraisal reports and three suggested comparable listings. The appraisals convey estimated market values for the subject property of \$387,400 and \$540,000 as of October 19, 2011 and September 28, 2012, respectively.

The comparables submitted by the appellants had varying degrees of similarity and dissimilarity when compared to the subject. The appellants indicated the comparables had been offered for sale from over 120 days to two years for prices ranging from \$425,000 to \$489,000.

Based on this evidence, the appellants requested a reduction in the subject's assessment to \$178,497, which reflects an estimated market value of approximately \$535,491.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$208,497. The subject's assessment reflects an estimated market value of \$627,248 or \$193.66 per square foot of living area including land when applying Will County's 2012 three-year average median level of assessment of 33.24% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted a limited analysis for six suggested comparable sales. The evidence was prepared by the New Lenox Township Assessor. The only information disclosed was the comparables' parcel number, dwelling size, sale date, sale price and per square foot sale price. The limited analysis did not disclose the comparables' proximate location, land size, design, age or features for comparison to the subject property. The dwellings range in size from 2,317 to 3,127 square feet of living area and sold from October 2009 to November 2011 for prices ranging from \$350,000 to \$510,000 or from \$139.44 to \$186.27 per square foot of living area including land.

The board of review did not address nor refute any of the valuation evidence submitted by the appellants. Based on this evidence, 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.

The Board gave no weight to the evidence submitted by the board of review. The Board finds the board of review failed to provide the requisite descriptive information for its suggested comparable properties for any type of meaningful comparative analysis. The board of review failed to provide comparables' proximate location, land size, design, age or features for comparison to the subject property. Nevertheless, the Board find the minimal raw market evidence submitted by the board of review demonstrates the subject property is overvalued. The properties submitted by the board of review sold from October 2009 to November 2011 for prices ranging from \$350,000 to \$510,000 or from \$139.44 to \$186.27 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$627,248 or \$193.66 per square foot of living area including land, which is considerably higher than the limited market evidence submitted on behalf of the board of review.

The Board further finds the appraisal reports submitted by the appellants further demonstrate that subject property is overvalued. The appraisals convey estimated market values for the subject property of \$387,400 and \$540,000 as of October 19, 2011 and September 28, 2012, respectively. The board of review did not address nor refute the value conclusions of the appraisals submitted by the appellants. The subject's assessment reflects an estimated market value of \$627,248 or \$193.66 per square foot of living area including land, which is considerably higher than the appraisals submitted by the appellants. Based on the evidence contained in this record, the Board finds a reduction in the subject's assessment is warranted commensurate with the appellants' assessment 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Richard A. Huff

Member

Marko M. Lioise

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.