



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

APPELLANT: Viney Berry
DOCKET NO.: 12-00443.001-R-1
PARCEL NO.: 16-05-01-128-009-0000

The parties of record before the Property Tax Appeal Board are Viney Berry, the appellant, by attorney William I. Sandrick of the Sandrick Law Firm, LLC, in South Holland, 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: \$31,382
IMPR: \$154,923
TOTAL: \$186,305

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single-family dwelling of brick and stucco exterior construction containing approximately 4,592 square feet of living area.¹ The dwelling was constructed in 1994. Features of the home include a full unfinished walkout-style basement, central air conditioning, three fireplaces² and an attached three-car garage. Additional features include a wood deck and patio in the rear of the home,

¹ The appellant's appraiser reported a dwelling size of 4,625 square feet supported by a detailed schematic drawing of both floors of the property. The assessing officials reported a dwelling size of 4,592 square feet with a detailed schematic drawing as part of the subject's property record card. The Board finds the minor dwelling size dispute is not relevant to determining the correct assessment of the subject property.

² The appellant's appraiser reported two fireplaces, but the assessing officials reported three fireplaces and included an aerial photograph that depicts three separate chimneys. In the absence of rebuttal evidence from the appellant, the Board finds the best evidence presented in this record establishes the subject dwelling has three fireplaces.

a cedar shingle roof and a paver driveway. The property has a 27,185 square foot site³ and is located in Orland Park, Homer Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted an appraisal which noted the property was owner-occupied and estimated the subject property had a market value of \$495,000 as of January 1, 2011. The appraisal was prepared by Eric Sladcik and supervised by Dave Richmond, both of whom are State of Illinois certified real estate appraisers. In estimating the market value of the subject property the appraisers developed the cost and the sales comparison approaches to value.

For market conditions, the appraisers prepared a Market Conditions Addendum to the Appraisal Report wherein they noted a decline in sales per month over the past twelve months with the median selling price in the market area decreasing 22.8% "over the course of the past four quarters." They further stated that there have been a large percentage of purchases of distressed properties in the market which is affecting the average sale price of homes. "A downward adjustment for time of sale considerations will be required for sales in this marketing period."

Under the cost approach, the appraisers estimated the subject had a site value of \$125,000. The appraisers estimated the replacement cost new of the improvements to be \$624,440. The appraisers estimated physical depreciation to be \$104,073.50 and external obsolescence "due to the general poor economic conditions and the slow down in the housing market" to be \$182,128.20 resulting in a depreciated improvement value of \$338,238.20. The appraisers also estimated the site improvements had a value of \$40,000. Adding the various components, the appraisers estimated the subject property had an estimated market value of \$503,200, rounded, under the cost approach to value.

Under the sales comparison approach, the appraisers used sales of three comparable homes located between 0.11 and 1.27-miles from the subject property. The comparables consist of two-story brick and frame dwellings which were from 3 to 12 years old. The comparables range in size from 3,956 to 4,001 square feet of

³ The appellant's appraiser reported a lot size of 30,678 square feet whereas the assessing officials reported 27,185 square feet for the subject lot. Neither party presented data to support their respective lot size conclusions.

living area. Each of the comparable properties has a basement, which includes finished area, central air conditioning, one or two fireplaces and a three-car garage. Comparable #1 also has a built-in pool. The properties sold between November 2009 and June 2010 for prices ranging from \$435,000 to \$580,000 or from \$109.96 to \$145.00 per square foot of living area, including land.

In an addendum, the appraisers reported that sale #1 required upward adjustments for inferior lot size, dwelling size and downward adjustments for superior time of sale, age, condition, number of bathrooms, and pool. Sale #2 required upward adjustments for inferior lot size, dwelling size, deck, amenities/upgrades and downward adjustments for superior time of sale, age and basement finish. Sale #3 required upward adjustments for inferior condition, dwelling size, number of fireplaces, amenities/upgrades and downward adjustments for superior time of sale, age and basement finish. After making adjustments to the comparables for differences from the subject, the appraisers estimated the comparables had adjusted prices ranging from \$471,760 to \$507,000 or from \$119.25 to \$126.75 per square foot of living area, including land. Based on this data the appraisers concluded a value towards the central tendency of the adjusted sales price range and estimated the subject had an estimated value under the sales comparison approach of \$495,000 or \$107.80 per square foot of living area, including land based upon a dwelling size of 4,592 square feet.

In reconciling the two approaches to value the appraisers gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$495,000 as of January 1, 2011. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$186,305 was disclosed. The subject's assessment reflects a market value of \$521,425 or \$113.55 per square foot of living area, including land, when applying the 2012 three year average median level of assessment for Will County of 35.73% as determined by the Illinois Department of Revenue.

The board of review submitted a two-page letter from the Homer Township Assessor who outlined twelve criticisms of the appellant's appraisal in addition to providing information to support the subject's estimated market value.

The township assessor noted the effective date of the appraisal was January 1, 2011 and "should be January 1, 2012. The township assessor disagreed with the appraisers' condition adjustments and argued that the subject was equal to sales #1 and #3 in the appraisal report. Moreover, the assessor argued that the subject is nearly 100% brick and positive adjustments for exterior construction should have been made to the comparables. Similarly, the subject's walkout basement and shake roof features were not adjusted for in the appraisal. The appraisal erroneously reported the subject has only two fireplaces. (See Footnote 2). The township assessor disputed the necessity for age adjustments and argued that a \$30,000 adjustment for the pool in sale #1 was "excessive." Reportedly "comparables #2 and #3 have Homer Glen mailing addresses" and the subject is in the Village of Homer Glen, not the Village of Orland Park as set forth in the appraisal on page 1. The township assessor contended the sale date adjustment was not consistent and that sale #3 was a foreclosure located outside of the subdivision and sold in 2009.

In support of the subject's estimated market value based on its assessment, the township assessor provided an analysis of four recent sales of two-story homes, three of which are located in the subject's subdivision of Anand Brooks. Moreover, comparable #1 from the township assessor is the same property presented in the appraisal as sale #1. The township assessor also presented comparable #4 which is not from the subject's subdivision and sold in 2011. The township assessor gridded these four sales in three-pages of a standard appraisal summary report⁴ and stated "[a]fter adjustments to the sales our final opinion of value is \$630,000." (Exhibit D). The document is not signed and the document does not purport to be an appraisal of the property in conformance with USPAP requirements. Three of the comparable sales presented in the document entitled Exterior-Only Inspection Residential Appraisal Report are located from .08 to .13 of a mile from the subject property; no proximity information was provided for comparable #4. These comparables are two-story dwellings of brick, brick and stucco, brick, stone and stucco or brick and stone construction that range in size from 3,539 to 4,476 square feet of living area. The dwellings

⁴ The document also has a cost approach with a site value of \$120,000, a replacement cost new of the improvements based on Marshall & Swift Valuation Service of \$663,950, physical depreciation of \$107,190 and external obsolescence of \$66,994, along with site improvements with a value of \$40,000, resulted in an estimated market value of \$649,800 under the cost approach to value.

were 6 to 20 years old. Features of the comparables include a full basement, each of which has finished area and one of which is a walkout-style. Each home has central air conditioning, two or three fireplaces and a three-car garage. Comparable #1 also has an inground pool. The comparables have sites ranging in size from 19,186 to 44,382 square feet of land area. The comparables sold from February 2010 to March 2011 for prices ranging from \$580,000 to \$750,000 or from \$164.21 to \$177.39 per square foot of living area, including land.

The preparer of Exhibit D made adjustments for date of sale/time, lot size, exterior construction, age, room count, dwelling size, basement style, basement finish, porch/patio/deck and/or pool amenities, resulting in adjusted sale prices ranging from \$554,970 to \$715,685 or from \$152.42 to \$169.27 per square foot of living area, including land. Based on the foregoing data and analysis, Exhibit D presents a value conclusion of \$630,000 or \$137.20 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment although the township assessor concluded her letter noting that "based upon the comparable sales the assessment should be raised."

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal of the subject property which the Board finds had a number of errors and/or omissions which raises questions as to the credibility and reliability of

the appraisal report. In particular, the appraisers under reported the number of fireplaces present in the subject dwelling and they also failed to address the subject's walkout basement feature as compared to the comparable properties.

Having determined that the appraised value of the subject property is not a credible or reliable indicator of the subject's estimated market value based upon an analysis of the data presented, the Board will examine the raw sales presented by both parties. There was one common sale resulting in a total of six suggested sales presented by both parties. The Board has given reduced weight to appraisal sales #2 and #3 as these properties are most distant from the subject dwelling. The Board has also given reduced weight to board of review comparable #4 as its proximity to the subject was not reported. The Board has given most weight to the remaining three sales presented by the parties which occurred between February and July 2010 for prices ranging from \$580,000 to \$750,000 or from \$163.89 to \$177.39 per square foot of living area, including land.

The subject's assessment reflects an estimated market value of \$521,425 or \$113.55 per square foot of living area, including land, which is below the range of the most similar comparable sales in terms of overall value and on a per-square-foot basis. The lower per-square-foot value appears appropriate given the principle that accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. The subject dwelling is larger to varying degrees than each of these most similar comparables.

After considering the most comparable sales on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not 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. 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: January 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.