



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

APPELLANT: Francis Halling
DOCKET NO.: 12-00499.001-R-1
PARCEL NO.: 22-22-09-207-015-0000

The parties of record before the Property Tax Appeal Board are Francis Halling, 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 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: \$13,992
IMPR.: \$37,530
TOTAL: \$51,522

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 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 two-story dwelling of frame and brick exterior construction with 2,743 square feet of living

area.¹ The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning and an attached 649 square foot garage. The property has a 9,375 square foot site and is located in Beecher, Washington Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$150,000 as of January 1, 2012. Counsel for the appellant also reported in a brief that the subject property was "currently" listed with Keller Williams Preferred Realty. Counsel's brief was dated February 14, 2013 and asserted that the listing as of July 1, 2012 was for \$155,000. An unsigned copy of the listing agreement beginning May 25, 2012 was attached depicting an original asking price of \$169,900 with a reduction to \$162,000 if not sold by June 15 followed by a July 1 reduction to \$155,000 if not sold.

The appraiser prepared both the cost and sales comparison approaches to value. In the cost approach, the appraiser arrived at an estimated market value of \$225,900 for the subject.

In the sales comparison approach, the appraiser analyzed three sales of comparable properties located within .75 of a mile from the subject. The comparable parcels range in size from 7,200 to 15,540 square feet of land area and are improved with two-story brick and frame dwellings. The homes were either 5 or 9 years old and range in size from 2,600 to 2,900 square feet of living area. Each dwelling has a full unfinished basement, central air conditioning and a two-car garage. The properties sold between April and October 2011 for prices ranging from \$99,750 to \$157,000 or from \$35.63 to \$54.14 per square foot of living area, including land.

The appraiser made adjustments to the comparables for date of sale and/or for differences from the subject property in land area, condition, room count, dwelling size, garage size and

¹ The appellant's appraiser reported a dwelling size of 2,976 square feet but provided no schematic drawing or other evidence to support this contention. The board of review submitted a copy of the subject's property record card with a schematic drawing that supported the stated dwelling size of 2,743 square feet of living area. The slight size discrepancy does not prevent a determination of the correct assessment of the subject property on this record.

differences in fireplace amenity² along with amenities/upgrades. After adjustments for differences, the appraiser estimated the comparables had sale prices ranging from \$132,530 to \$156,780. Based on this analysis, the appraiser estimated a market value under the sales comparison approach of \$150,000.

In reconciling the two approaches to value, the appraiser gave greatest weight to the sales comparison approach with secondary consideration to the cost approach.

Based on this evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$76,801. The subject's assessment reflects a market value of \$231,050 or \$84.41 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Will County of 33.24% as determined by the Illinois Department of Revenue.

The board of review submitted a memorandum from Carol Ann Blume, Washington Township Assessor, along with additional data. The township assessor provided PTAX-203 Illinois Real Estate Transfer Declarations for each of the three sales included in the appellant's appraisal report. Appraisal sales #1 and #2 were advertised prior to the transaction and involved a seller/buyer who was a financial institution; sale #2 was a bank REO (real estate owned) and sale #1 was an auction sale. Appraisal sale #3 was not advertised prior to the transaction. Based on the transfer declarations, the township assessor characterized each of these sales as "not valid sales."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located an unknown distance from the subject property. The comparables consist of parcels that range in size from 8,925 to 10,200 square feet of land area which are improved with two-story dwellings of frame and brick construction that were built in 2003 or 2005. The homes range in size from 2,357 to 2,613 square feet of living area and

² The appellant's appraiser reported a fireplace being a feature of the subject dwelling although none of the interior photographs support this assertion. The assessing officials do not report that the subject has a fireplace. This amenity difference caused the appellant's appraiser to make an upward adjustment of \$5,000 to the only comparable which did not have a fireplace.

feature basements, central air conditioning, a fireplace and a garage ranging in size from 523 to 856 square feet of building area. These properties sold between December 2010 and April 2012 for prices ranging from \$210,000 to \$265,000 or from \$84.96 to \$104.87 per square foot of living area, including land. The grid analysis prepared by the township assessor includes adjustments to the comparables for differences from the subject resulting in an adjusted improvement assessment for each of the three comparable sales.

Based on this evidence and argument, the board of review requested confirmation of the subject's 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 best evidence of market value to be the most recent listing price of the subject property of \$155,000 which was not refuted by the assessing officials. Furthermore, this asking price is supported by the appellant's appraiser's value conclusion even though the appraiser considered one sale which was not advertised on the open market; additionally, despite the lack of advertising, the sale price of this unadvertised property at \$157,000 further supports the subject's latest asking price and market value.

The Board has given little weight to the comparables presented by the board of review as their proximity to the subject property is unknown and the assessing officials report these comparables are in different neighborhood codes as compared to the subject property.

The subject's assessment reflects a market value of \$231,050 or \$84.41 per square foot of living area, including land, which is above the most recent asking price for the subject property of \$155,000. On this record, the Board finds that the subject property is overvalued given its most recent asking price of

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\$155,000 which represents the upper limit of value and a reduction in the subject's assessment 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.

Chairman

K. L. Ferr

Member

Mark Albino

Member

Jerry White

Member

Acting 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: August 21, 2015

A. Portel

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.