



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

APPELLANT: Luke Lonergan
DOCKET NO.: 12-01524.001-R-1
PARCEL NO.: 16-05-21-202-032-0000

The parties of record before the Property Tax Appeal Board are Luke Lonergan, the appellant, 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: \$36,000
IMPR: \$218,000
TOTAL: \$254,000

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 masonry exterior construction with approximately 7,279 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and a four-car garage of 1,237 square feet of building area. The property has an approximately

.74-acre or 32,234 square foot site and is located in Homer Glen, Homer 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 \$762,000 as of January 5, 2013.

In estimating the market value the appraiser developed the sales comparison approach to value and utilized four comparable sales and two active listings. In the Addendum, the appraiser explained that the subject is one of the largest homes in the area and a search of data revealed only one home of similar size presented as sale #2; "most of the homes in the same price tier have anywhere from 5000 to 6000 square feet." To the lack of available similar dwellings, the appraiser utilized different style dwellings, properties on larger sites and properties which were over a mile from the subject. The six comparables were described as being improved with "traditional" dwellings that ranged in size from 5,043 to 7,300 square feet of living area. The dwellings ranged in age from 0 to 20 years old. Each comparable had a basement with two being walkout-style and four having finished area, central air conditioning, one to four fireplaces and either a three-car or a four-car garage. Three of the comparables had additional amenities of an in-ground pool, a "Pole & Horse Barn" and a Natatorium.¹ The comparables had sites ranging in size from 26,288 to 154,202 square feet of land area. Four of the comparables sold between March and September 2012 for prices ranging from \$707,000 to \$815,000 or from \$104.18 to \$140.07 per square foot of living area, including land. The two listings had asking prices of \$799,000 and \$829,000 or \$141.32 and \$164.39 per square foot of living area, including land.

The appraiser made adjustments to the comparables for differences from the subject for date of sale/time and/or for such elements as land area, view, age, condition, room count, gross living area, basement size, basement finish, garage size, number of fireplaces and other amenities. The appraiser arrived at adjusted prices ranging from \$704,300 to \$844,500. Based on this analysis the appraiser estimated the subject property had an indicated value under the sales comparison approach of \$762,000 or \$104.68 per square foot of living area, including land.

¹ The addendum described the Natatorium as an "in door inground pool."

Based on this evidence, the appellant requested a total assessment 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 \$275,000. The subject's assessment reflects a market value of \$827,316 or \$113.66 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.

In rebuttal the board of review submitted a statement from Karen Szykowski, Homer Township Assessor, and Dale D. Butalla, Chief Deputy Assessor, asserting that the effective date of the appraisal was a year after the assessment date at issue and the comparable sales #1 through #6 used by the appellant's appraiser were all out of the subject's neighborhood boundaries. The letter also discussed the listings "comparable #7 and #8" as being listed for over \$1 million; there are no comparables #7 and #8 in the appellant's appraisal report and therefore this assertion will not be further addressed by the Property Tax Appeal Board as it has no basis in fact in the record. The letter also asserted that the age adjustments for comparables #4 and #6, given ages of 0 and 20, were inconsistent with one another. The adjustment for the Natatorium was questioned as being too low given the adjustment for an outdoor in-ground pool. They also noted the subject dwelling is only 7 years old with minimal depreciation so that a cost approach could have been developed.

In support of its contention of the correct assessment the board of review submitted a cost approach to value and a sales comparison approach to value that were prepared by the township assessor and the chief deputy assessor. Using the cost approach the assessor and chief deputy assessor arrived at an estimated market value of \$993,400.

Under the sales comparison approach five comparable sales were used. The properties were from .11 to 1.4-miles from the subject property. The comparables were improved with two-story dwellings that ranged in size from 3,638 to 7,135 square feet of living area. The comparables ranged in age from 4 to 14 years old. Each comparable had a full basement, three of which were walkout-style and three of which had finished area. Each home has central air conditioning, one or four fireplaces and a three-car to five-car garage. One comparable also has an in-ground pool. These properties had sites ranging in size from

18,997 to 60,644 square feet of land area. The sales occurred from November 2010 to October 2011 for prices ranging from \$550,000 to \$1,600,000 or from \$151.18 to \$224.25 per square foot of living area, including land. The assessor and the chief deputy assessor indicated that four sales were presented with comparables #1 and #2 in the subject's neighborhood as defined by the appraisal and comparables #3 and #4 within 1.5-miles of the subject property.

Adjustments were made to the comparables for date of sale and for differences from the subject resulting in adjusted sales prices ranging from \$738,345 to \$1,529,830. Based on these sales the assessor and chief deputy assessor were of the opinion the subject property had an estimated market value of \$850,000.

On behalf of the board of review, the Clerk of the Board of Review requested that the subject's assessment be confirmed.

In written rebuttal, the appellant noted differences between the subject and the comparables presented by the board of review. Board of review sale #1 sold for nearly twice what the subject property was purchased for in March 2010 indicating that the property is substantially different from the subject. Without this comparable, the appellant contends the average price is \$812,336. The appellant also questioned the combination of adjustments made for basement size, basement finish and/or walkout-style basement feature resulting in varying adjustments to the comparables when compared to the subject basement.

For the remainder of the rebuttal, the appellant made an analysis of taxes paid by the subject and two other dwellings, one of which was board of review comparable #1. The analysis included changes in tax bills for each of the properties for years 2010, 2011 and 2012 with a further analysis among the three properties, one of which was said to be in close proximity to the subject.

With regard to this latter issue of "taxes," the Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation. (86 Ill.Admin.Code §1910.10(f)). There are many factors that are utilized in the creation of a tax bill, including, but not limited to, location, taxing districts within that location and the applicable tax rate of that particular taxing district, the assessment of the taxed property and the exemption(s) which that taxed property may have on record.

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 Property Tax Appeal Board has given little weight to board of review comparable #1 which sold in October 2011 for a price that is nearly twice the estimated market value of the subject property based on its assessment. This substantial difference in market value indicates that these properties are dissimilar to one another. The Board has also given reduced weight to board of review comparable #5 which sold in November 2010, a date more remote in time to the valuation date at issue of January 1, 2012.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$762,000 which is supported by board of review comparable sales #2, #3 and #4 when adjustments are made for differences in dwelling size. Neither of the parties presented many comparable dwellings of a similar size to the subject dwelling, but the appellant's appraiser in the addendum provided a detailed explanation as to the search for comparable dwellings and the inability to find similar sized dwellings. In light of the board of review's failure to provide additional homes that exceed 7,000 square feet of living area, the appraiser's explanation is found to be credible and supported by all of the comparables in the record.

The subject's assessment reflects a market value of \$827,316 or \$113.66 per square foot of living area, including land, which is above the appraised value and not well-supported by the three best comparable sales presented by the board of review, comparables #2, #3 and #4. Therefore, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's 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.

Chairman

K. L. Ferr

Mark Albino

Member

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.