



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

APPELLANT: Brian & Deborah Burch
DOCKET NO.: 12-04054.001-R-1
PARCEL NO.: 18-25-316-002

The parties of record before the Property Tax Appeal Board are Brian & Deborah Burch, the appellants, by attorney Patrick Barry in LaSalle, and the LaSalle 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 **LaSalle** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$6,864
IMPR.: \$38,078
TOTAL: \$44,942

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the LaSalle 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 dwelling of frame and masonry construction with 4,296 square feet of living area. The dwelling was constructed in 1952. Features of the home include a crawl-space foundation, central air conditioning, two fireplaces and an attached two-car garage. The property has an 18,450 square foot site and is located in Oglesby, LaSalle Township, LaSalle County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants completed Section IV - Recent Sale Data and submitted an appraisal.

As to the recent sale, the appellants reported the subject property was purchased on November 28, 2012 for \$130,000 from the previous owners Joseph and Cynthia Bantista. The parties to the transaction were not related, the property was sold using a Realtor and the property was advertised for sale on the Multiple Listing Service for a period of 5 months.

The appraisal report states the intended use was for a property tax appeal and while the report was prepared in April 2013, it had a retroactive valuation date of January 1, 2012 estimating the subject property had a market value of \$135,000. As part of the appraisal, the appraiser acknowledged the November 2012 purchase price of \$130,000 and he furthermore reported the subject was listed for \$195,000 from July 19, 2012 until the closing.

As to the subject dwelling which the appraiser inspected in April 2013, he reported:

With the exception of the kitchen, much of the updating is unfinished and/or the workmanship appears less than adequate. The plumbing is not connected to the tub in bathroom 1. There are electrical switches and outlets not fully completed and/or connected. Walls have been removed in the laundry room. There are roof leaks in the flat portion of the roof in the family room and dining room.

Among the interior photographs, the appraiser has depicted the family room and dining room, both with large trash bins either sitting below plastic sheeting on the ceiling which appears to drain into the bin or a bin sitting in the center of a large plastic tarp spread out on wooden flooring. As part of the Addendum, the appraiser included an extraordinary assumption that the condition of the interior of the dwelling on the effective date of the appraisal was similar to the observed condition on April 5, 2013.

The appellants' appraiser prepared the sales comparison approach to value and analyzed five sales of comparable properties that sold between January and July 2011 for prices ranging from \$82,000 to \$185,000 or from \$26.99 to \$95.03 per square foot of living area, including land. As part of the analysis, the

appraiser acknowledged that large adjustments were made for unfinished items/roof is the estimated cost to cure these conditions. He further acknowledged that comparables #3, #4 and #5 were the most recent sales of dwellings in Oglesby that were as similar in age and construction to the subject as possible. Local area sales similar to the subject in size and condition were represented by comparables #1 and #2. The appellants' appraiser made adjustments to the comparables for lot size, condition, room count, dwelling size, basement, basement finish, "unfin items/roof" of \$10,000 and/or other amenity differences. The adjusted sales price of the comparables ranged from \$112,000 to \$152,500.

Based on this evidence, the appellants requested an assessment reflective of the appraised value and purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$63,333. The subject's assessment reflects a market value of \$190,246 or \$44.28 per square foot of living area, land included, when using the 2012 three year average median level of assessment for LaSalle County of 33.29% as determined by the Illinois Department of Revenue.

The board of review submitted a memorandum from Benjamin L. Dolder, Chairman of the LaSalle County Board of Review, along with additional data. His memorandum mistakenly asserted the appellants' appraisal was dated April 18, 2012, when in fact it was dated in 2013. However, Dolder acknowledged that the photographs in the appellants' appraisal report "clearly show a property in disrepair." Dolder then references information from the Multiple Listing Service [MLS] with "interior photos [that] clearly depict a home in 'move-in' condition." A copy of the MLS data sheet depicts an asking price of \$195,000 with an original listing date of July 19, 2012 until a contract was executed in September 2012 with the sale price of \$130,000. Also submitted was a copy of the PTAX-203 Illinois Real Estate Transfer Declaration depicting the sale date and price along with the assertion that this was a "short sale."

In support of its contention of the correct assessment the board of review submitted an appraisal for taxing purposes using sales from 2011, 2010 and 2009 estimating the subject property had a market value of \$170,000 as of January 1, 2012. The appraiser only performed an exterior inspection of the subject property, but included interior photographs that were taken from the MLS listing. The appraiser also reported having talked to the

listing Agent and "relied of [sic] information provided about interior condition at the time of listing in July 2012 which, in this Appraiser's opinion, would be more accurate for the effective date for this retrospective report (1/12) than the condition as noted in appeal appraisal's date of inspection (4/13)."

In the addendum, the appraiser reported that the listing agent indicated the kitchen, two bathrooms, living room and recreation room "appear to be recently remodeled." The agent also reported "the rest of house had not been remodeled since the 50's, one bathroom was being remodeled, the roof was leaking, woodwork was missing and the laminate flooring needed to be replaced, giving an overall condition rating of average."

The appraiser analyzed six comparables that sold between May 2009 and June 2011 for prices ranging from \$148,000 to \$210,000 or from \$61.67 to \$112.93 per square foot of living area, including land. The comparables consist of three one-story and three two-story dwellings that range in age from 12 to over 100 years old. The comparables range in size from 1,616 to 2,956 square feet of living area. Each comparable features a full or partial basement, one of which is also a walkout-style and three of which have finished basement areas. Five of the comparables have central air conditioning and each has one fireplace along with a one-car to three-car garage.

The appraiser made adjustments to the comparables for dates of sale in 2009, but not for sales in 2010 or 2011. The appraiser also made adjustments for location, parcel size, exterior construction, age, condition where each comparable was deemed to be superior to the subject and adjusted downward by at least \$10,000 for cost to cure deficiencies [see addendum], bathroom count, dwelling size, basement, basement finish and other differences in amenities. The adjusted sales prices ranged from \$161,450 to \$197,675.

Within the addendum, the board of review's appraiser also stated that an improvement waiver was filed with the County Assessor's Office in the amount of \$18,334 which would equate to a \$55,000 improvement in June 2009.

As part of the submission, the board of review reported a willingness to stipulate to \$56,667 to reflect its appraised value of the subject property with a market value of \$170,000.

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 Property Tax Appeal Board has given little credence to the appraisal presented by the board of review as the appraiser analyzed dwellings that were all smaller, differed in design and/or lot size from the subject property. Moreover, while in the addendum, the appraiser reported certain adjustments, those stated adjustments were not in the respective grid analyses. Specifically, the appraiser reported making time of sale adjustments for sales in both 2009 and 2010, but there is not date of sale adjustment for comparable sale #5 that occurred in 2010. The appraiser reported making view adjustments for comparables #1 and #2 in the addendum, but the grid analysis shows no view adjustments for any of the comparables. In summary, the Board finds the board of review's appraisal is not a logical and/or credible indication of the subject's estimated market value.

The Board finds the best evidence of market value to be the appraisal submitted by the appellants with an estimated market value of \$135,000. The appraiser performed both an interior and exterior inspection of the subject property and documented the condition issues, including the bins catching water leaks from the ceilings in the family and dining rooms. The appraiser also did not utilize any two-story dwellings as comparables to the subject one-story home. Additionally, the appellants' appraiser selected comparable sales that occurred more proximate in time to the valuation date at issue of January 1, 2012. Finally, the appraisal value conclusion is further supported by the actual sale of the subject property in November 2012 for \$130,000 despite the fact that the property was originally listed for sale for \$195,000 in July 2012.

The Board also takes notice of Public Act 96-1083 which 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. [Emphasis added]

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 the assessment date at issue, January 1, 2012. Moreover, the Board finds these statutes are instructive as to the appellants' 2012 purchase price of the subject property through a "short sale."

The subject's assessment reflects a market value of \$190,246 or \$44.28, which is above the best evidence of market value in the record. The Board finds the subject property had a market value of \$135,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for LaSalle County of 33.29% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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.

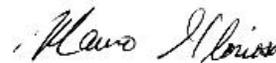
Chairman



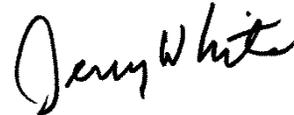
Member



Member



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



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.