



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

APPELLANT: Frank Kamely
DOCKET NO.: 12-00446.001-R-1
PARCEL NO.: 16-05-21-400-015-0000

The parties of record before the Property Tax Appeal Board are Frank Kamely, the appellant, by attorney William I. Sandrick of 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: \$46,635
IMPR: \$112,917
TOTAL: \$159,552

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 single-family dwelling of masonry and frame exterior construction with 3,828 square feet of living area. The dwelling was constructed in 1994. Features of the home include a full basement with

finished area, central air conditioning, two fireplaces¹ and a three-car garage. The property has an approximately 5-acre site² or approximately 217,800 square foot site with a pond view 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 \$470,000 as of January 1, 2012. In estimating the market value the appraiser developed the cost approach to value and the sales comparison approach to value. Under the cost approach the appraiser arrived at an estimated value of \$480,100.

In developing the sales comparison approach the appraiser utilized three comparable sales located from .95 to 1.24-miles from the subject. The comparables consist of two-story brick dwellings that range in size from 3,700 to 4,300 square feet of living area. The dwellings range in age from 4 to 23 years old. Each comparable has an unfinished basement, central air conditioning, one or two fireplaces and a three-car garage. The comparables have sites ranging in size from 21,600 to 43,560 square feet of land area. The comparables sold between March 2011 and January 2012 for prices of \$400,000 or \$415,000 or from \$96.51 to \$108.11 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject for such elements as land area, view, age, condition, gross living area, basement finish and number of fireplaces. The appraiser arrived at adjusted prices ranging from \$465,380 to \$495,480. Based on this analysis the appraiser estimated the subject property had an indicated value under the sales comparison approach of \$470,000.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach and arrived at an estimated market value of \$470,000 as of January 1, 2012. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the appraised value.

¹ The assessing officials report the subject dwelling has two fireplaces whereas the appellant's appraiser who performed an exterior only inspection of the property reported the subject has only one fireplace. The Board finds the assessing officials presented the best evidence of this feature including a photograph of the dwelling that depicts two masonry chimneys along with a schematic depicting a total of two fireplaces in the family and living rooms.

² The appellant's appraiser reported a parcel size of 4.66-acres whereas the assessing officials report a parcel size of 5.03-acres. The subject's property record card reflects a lot size of 5-acres of land area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$173,354. The subject's assessment reflects a market value of \$521,522 or \$136.24 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 appraisal report is contradictory on pages 1 and 3 as to the purpose of the appraisal; the appraiser has erred in the subject's lot size which is 5-acres or 217,800 square feet³; the appraiser's lot size adjustments are inconsistent; and view adjustments are not well explained. The township officials state, ". . . [w]e don't understand using duress sales when nothing was included showing the subject suffers from the effects of these duress sales." The assessing officials contend appraisal sale #1 was a foreclosure and sale #3 was a short sale. The subject's garage is attached, not detached as reported by the appraiser and no mention was made of the additional large shed on the property. Fireplace adjustments were erroneous given the descriptive error for the subject dwelling made by the appellant's appraiser. The dwelling sizes of appraisal sales #2 and #3 were in error in the report and sale #1 lacked a necessary time adjustment for a sale that occurred in March 2011. It was also asserted that 70% depreciation for the subject 18 year old dwelling in the cost approach was excessive. The land sales presented for the land valuation in the cost approach were reportedly dated sales from Highland Park.

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 \$576,200.

Under the sales comparison approach five comparable sales were used. The comparables were improved with two-story dwellings that range in size from 3,296 to 4,328 square feet of living area. The comparables range in age from 6 to 22 years old. Each comparable has a full basement two of which are walkout-style and three of which have finished area, central air

³ In the grid analysis, the board of review/township reported the subject parcel consists of 5.03-acres or 219,307 square feet of land area.

conditioning, one or two fireplaces and a three-car garage. Two of the comparables have in-ground swimming pools. These properties had sites ranging in size from 18,997 to 44,272 square feet of land area. The sales occurred from March 2011 to December 2012 for prices ranging from \$415,000 to \$710,000 or from \$125.09 to \$174.57 per square foot of living area, including land. The township assessor and the chief deputy assessor indicated each of these comparables was from the subject's neighborhood and were located from .51 to 1.67-miles from the subject property. Three of these comparables were on the market for 9, 11 and 47 days, respectively, and the days on the market for the remaining two comparables were unknown. Adjustments were made to the comparables for date of sale and/or concessions and for differences from the subject resulting in adjusted sales prices ranging from \$529,435 to \$755,400. Based on these sales the township assessor and chief deputy assessor were of the opinion the subject property had an estimated market value of \$600,000.

Based on this evidence and argument, the board of review requested confirmation of the subject' 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.

With respect to the appellant's appraisal there is an issue with the fact that the number of fireplaces and lot size of the subject were misreported along with the dwelling sizes of two of the comparables. However, the size discrepancy appears to be more of a "rounding" issue than a substantive error; the largest discrepancy reduces the dwelling size of appraisal sale #2 by 108 square feet and since the final value analysis was not specifically based on a per-square-foot market value determination, this error has little substantive impact on the final value conclusion presented by the appellant's appraiser.

Additionally, the board of review submission indicated that two of the sales used in the report were foreclosure or "short

sales", which was not refuted by the appellant. However, the Property Tax Appeal Board finds that Section 1-23 of the Code defines compulsory sale as:

"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. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

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. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the assessment. Nevertheless, the fact that the appraiser did not mention that two of the comparables were foreclosure and "short sales", respectively, does slightly detract from the credibility of the report.

However, similarly, the board of review's contention that each of the sales that it presented were appropriate arm's length transactions is called into question by the data submitted in the grid analysis with short market exposure times and no relevant information for two of the five comparables. The board of review was also contradictory in its assertions of the subject's lot size variously reporting 5-acres in the memorandum and 5.03-acres in the grid analysis. Lastly, the board of review criticized the appellant's appraiser for not addressing the shed on the parcel, but the board of review also provided no analysis of this feature in its grid analysis of sales.

Given the data from both parties which has various errors and omissions, the Property Tax Appeal Board still finds that the best evidence in the record is the appellant's appraisal report

with appropriate adjustments for errors. These adjustments result in a modified value conclusion of approximately \$480,000 which is within the range of the properly adjusted comparable sales. Specifically, the Board finds based on the board of review submission, appellant's appraisal comparable sale #2 has 3,592 square feet of living area rather than 3,700 square feet and appellant's appraisal comparable sale #3 has 4,232 square feet of living area rather than 4,300 square feet which modifies the gross dwelling size adjustments of each of these two comparables at \$35 per square foot when compared to the subject. Additionally, there were errors in adjustments for fireplaces because of the descriptive error in the subject dwelling which then respectively increases and decreases the sales. Considering these corrections, the comparables in the appraisal report present adjusted values ranging from approximately \$470,690 to \$502,260.

The sales in the appellant's appraisal were located in Homer Glen and had varying degrees of similarities to the subject property. The sales occurred from March 2011 to January 2012 which dates are more proximate in time to the assessment date of January 1, 2012 than the sales presented by the board of review and for this reason along with dissimilarities to the subject property including pools, walkout basements and/or condition issues, the board of review comparables have been given less weight.

The subject's assessment reflects a market value of \$521,522 or \$136.24 per square foot of living area, including land, which is excessive in light of the best comparable adjusted sales in the record presented by the appellant which are less than the subject's estimated market value and do not exceed \$502,260. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

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.