



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

APPELLANT: Bruce Kordas
DOCKET NO.: 12-00447.001-R-1
PARCEL NO.: 16-05-23-203-013-0000

The parties of record before the Property Tax Appeal Board are Bruce Kordas, 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: \$32,944
IMPR: \$81,165
TOTAL: \$114,109

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 brick and cedar exterior construction with 3,320 square feet of living area. The dwelling was constructed in 1988. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a two-car garage. The property

has an approximately 20,529 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 exterior only appraisal report estimating the subject property had a market value of \$295,000 as of January 1, 2012. The appraiser utilized both the cost and the sales comparison approaches to value.

Under the cost approach the appraiser estimated the subject had a site value of \$60,000 through the use of "area" land sales. The appraiser estimated the replacement cost new of the improvements to be \$437,004. The appraiser estimated both physical and external depreciation to be \$219,813 resulting in a depreciated improvement value of \$217,191. The appraiser also estimated the site improvements had a value of \$25,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$302,200 under the cost approach to value.

Under the sales comparison approach to value, the appraiser analyzed three comparable sales located within 0.58 of a mile of the subject property. The comparables were described as parcels ranging in size from 16,000 to 21,004 square feet of land area which were improved with two-story dwellings of brick exterior construction and which were 8 to 37 years old. Features of the comparables include basements, two of which have finished areas, central air conditioning and a two-car or a three-car garage. No mention was made regarding fireplaces. The comparable dwellings ranged in size from 3,427 to 3,500 square feet of living area. The properties sold between March and August 2011 for prices ranging from \$322,500 to \$342,000 or from \$93.48 to \$97.71 per square foot of living area, including land.

The appraiser made adjustments to the sales comparables for sales concessions and/or for differences in land area, age, room count, dwelling size, basement finish and/or garage size. The appraiser then arrived at adjusted sales prices for the comparables ranging from \$275,755 to \$310,700 or from \$80.47 to \$88.77 per square foot of living area, including land. Based on this analysis, the appraiser estimated a market value under the sales comparison approach of \$295,000 or \$88.86 per square foot of living area, including land.

In reconciliation, the appraiser gave greatest weight to the sales comparison approach to value as best reflecting the

actions of buyers and sellers in the market. Based on this evidence, the appellant requested an assessment reflective of the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$130,565. The subject's assessment reflects a market value of \$392,795 or \$118.31 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 Szynkowski, Homer Township Assessor, and Dale D. Butalla, Chief Deputy Assessor, setting forth various criticisms of the appellant's appraisal report. Among the issues were the purpose of the report, the view of the subject property, the exterior description of the subject and the comparables and the failure to describe appraisal sale #2 as a split-level rather than a two-story dwelling. In addition, appraisal sale #1 contains 2,832 square feet of living area rather than the reported size of 3,450 square feet. Appraisal sale #3 was a "short sale" and the assessing officials noted an inconsistency in the age adjustments of comparables #2 and #3 in the appraisal report. As to the cost approach, the assessors contend that 70% physical depreciation is "excessive," but provide no further evidence to support that assertion.¹ As to the estimated land value in the cost approach, the assessors note the lands sales were from Highland Park in Lake County and sold in 2005, 2006 and 2007 or were listings from 2008. They also noted that fireplace amenities were not addressed for the subject or the comparables. Lastly, there was a partial lower level with finish described on page 1 for the subject, but in the analysis the subject was described as having an unfinished basement.

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 \$384,400.

Under the sales comparison approach four comparable sales were used. The comparables were improved with two-story brick or

¹ Mathematically, the appraiser deducted \$126,731 or approximately 30% from the depreciated cost new estimate, not 70%.

brick and frame dwellings that ranged in size from 2,869 to 3,758 square feet of living area. The comparables ranged in age from 9 to 24 years old. Each comparable had a full basement, two of which had finished areas, central air conditioning, one to two fireplaces and a three-car garage. These properties had sites ranging in size from 22,428 to 55,405 square feet of land area. The sales occurred from March 2010 to March 2013 for prices ranging from \$395,000 to \$480,000 or from \$112.72 to \$137.68 per square foot of living area, including land. The assessor and the chief deputy assessor indicated each of these comparables was in the subject's neighborhood with the properties being within .39 of a mile from the subject. Adjustments were made to the comparables for date of sale and for differences in land size, exterior construction, age, dwelling size, basement finish, heating/cooling, garage size and other amenities from the subject resulting in adjusted sales prices ranging from \$370,720 to \$427,375. In the comments, the assessors note the comparables were from "competing areas" and included short sales and foreclosure sales of "differing style homes." Based on these sales the assessor and chief deputy assessor were of the opinion the subject property had an estimated market value of \$395,000.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 board of review's submission indicated the appraiser misreported the size of appraisal comparable sale #2 which was not refuted. This error also modifies the adjusted sale price of this comparable to a higher value of \$103.44 per square foot of living area, including land. Furthermore, the Board finds there were inconsistencies in the adjustment process as well as a plethora of other errors in the report as pointed

out by the board of review. Therefore, the Board has given reduced weight to the appraiser's final value conclusion.

The Board has also given little weight to board of review comparable sales #2 and #3 as these sales occurred in 2010, a date remote in time to the valuation date at issue of January 1, 2012. The Board has also given little weight to either of the cost approaches to value presented by the parties as the subject dwelling is over 25 years old which makes the estimate of depreciation difficult to perform with any level of precision without credible market support. In addition, the Board has given reduced weight to appraisal sale #3 and to board of review sale #1 both of which were newer dwellings of 8 and 9 years old as compared to the subject dwelling of over 25 years of age.

The Board finds the best evidence of value in the record to be appraisal comparable sales #1 and #2 along with board of review comparable sale #4. These comparables present sales prices ranging from \$322,500 to \$419,900 or from \$93.48 to \$112.72 per square foot of living area, including land. The subject's assessment reflects a market value of \$392,795 or \$118.31 per square foot of living area, including land, which is above the range established by the best comparable sales in the record on a per-square-foot basis. After considering adjustments and the differences in the best suggested comparables presented by both parties when compared to the subject, 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

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: September 18, 2015

A. Portol

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.