



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

APPELLANT: Anthony Guidera
DOCKET NO.: 12-00477.001-R-1
PARCEL NO.: 21-14-21-405-035-0000

The parties of record before the Property Tax Appeal Board are Anthony Guidera, the appellant, by attorney Leonard Schiller of Schiller Klein PC, in Chicago, 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: \$16,381
IMPR.: \$46,952
TOTAL: \$63,333

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 frame and masonry construction with approximately 2,627 square feet of living area. The dwelling was constructed in 2007. Features of the home include a full basement which is partially finished, central air conditioning, a fireplace and an

attached three-car garage. The property is located in Monee, Monee 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 \$190,000 as of July 28, 2012.

The appraiser utilized the sales comparison approach and analyzed five sales and two listings. The appraiser specifically noted that comparables #1 and #7 were short sales and comparable #3 was an REO. In the addendum, the appraiser reported these sales were utilized "due to similarities and lack of viable, arm's length sales in the subject's market area." The comparables were improved with two-story dwellings that ranged in size from 1,794 to 3,131 square feet of living area. The dwellings ranged in age from 3 to 12 years old. Each comparable had an unfinished basement, central air conditioning, one or two fireplaces and either a two-car or three-car garage. Five of the comparables sold between October 2011 and June 2012 for prices ranging from \$155,000 to \$215,000 or from \$55.89 to \$86.40 per square foot of living area, including land. The appraiser made adjustments to the comparables for date of sale/concessions and/or for differences from the subject for such elements as land area, quality of construction, age, room count, gross living area, functional utility, well/septic, garage size, number of fireplaces, other amenities and/or upgrades. The appraiser arrived at adjusted prices ranging from \$175,360 to \$200,930. Within the addendum, the appraiser explained that greatest weight was given to comparable #3 due to similarities, proximity and fewest adjustments. Minimal weight was given to comparables #1 and #7 due to short sale status, but consideration was given to the declining market, oversupply of active listings and the REO/short sale activity in the subject's market area. Based on this analysis the appraiser estimated the subject property had an indicated value under the sales comparison approach of \$190,000.

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 \$80,833. The subject's assessment reflects a market value of \$243,180 or \$92.57 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 Sandra Heard, Monee Township Assessor, asserting that several of the comparable sales used by the appellant's appraiser were short sales, special warranty deeds or fulfillment of an installment contract. In addition, one of the comparables was only a listing. Furthermore, the only two "market" sales are in two different neighborhoods than the subject property. Heard also noted the differences in dwelling sizes when comparing these dwellings to the subject.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales, two of which occurred in March 2010. The lowest sale price of the three sales was \$212,500, which occurred in August 2011 nearest to the assessment date at issue of January 1, 2012.

Lastly, the township assessor submitted a grid analysis of four equity comparables to depict that the subject property was equitably assessed. The Property Tax Appeal Board will not further address this evidence as it is not responsive to the appellant's overvaluation complaint.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant analyzed the dated sales information that was contained within the board of review's equity grid analysis of four comparable properties. In addition, counsel criticized these sales are not being proximate to the assessment date. No portion of the rebuttal addressed the sales which the board of review had presented to support the 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 appraisal submitted by the appellant with an estimated market value of \$190,000 as of July 28, 2012. This value conclusion is further supported by the only sale proximate to the valuation date submitted by the board of review of \$212,500 which occurred in August 2011. The Board finds the appellant's appraisal was logical and well-explained in terms of the selection of comparables and the necessary adjustments to those properties. The subject's assessment reflects a market value of \$243,180, including land, which is above the appraised value and also above the best comparable sale #1 submitted by the board of review in the record.

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

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.