



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

APPELLANT: Mark Rigoni
DOCKET NO.: 13-00675.001-R-1
PARCEL NO.: 16-05-20-153-005-0000

The parties of record before the Property Tax Appeal Board are Mark Rigoni, the appellant, and the Will County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$22,452
IMPR.: \$87,690
TOTAL: \$110,142

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 2013 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 single-family dwelling of brick construction with 2,911 square feet of living area.¹ The dwelling was constructed in 1995 or is 18 years old. Features of the home include a basement with finished area, central air conditioning, two fireplaces and an attached three-car garage of 833 square feet of building area. The property has a 73,248 square foot site and is located in Homer Glen, Homer Township, Will County.

¹ The appellant disputed the dwelling size set forth by both his appraiser and by the assessing officials of 2,911 square feet. The appellant asserted, based upon a copy of a Plat of Survey of the home, that the dwelling contains 2,807 square feet of living area. There is no indication whether the Plat of Survey was calculated using interior measurements whereas both appraisers and assessing officials utilize exterior measurements. The Property Tax Appeal Board finds that this minor size dispute does not prevent a determination of the correct assessment in this matter.

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 \$280,000 as of January 1, 2013. The retrospective appraisal was prepared by William Neberieza, a certified appraiser, to estimate fair market value for the owners of the property in fee simple interest. As to the subject dwelling, as part of the Addendum, the appraiser wrote that the subject suffers external obsolescence "speed limit – noise – truck traffic – on nearby 163rd Street (Abuts South lot line) causes external obsolescence."

In the sales comparison approach to value, the appraiser set forth three comparable sales located from .14 to 3.28-miles from the subject property. The parcels range in size from 12,436 to 62,530 square feet of land area which are improved with a two-story and two, one-story dwellings that were 12 to 15 years old. The homes contain 2,340 or 3,308 square feet of living area and feature full or partial basements, two of which have finished areas. Each home has central air conditioning, one or two fireplaces and a two-car or a three-car garage. The comparables sold between September and December 2012 for prices ranging from \$260,000 to \$283,500 or from \$85.70 to \$117.74 per square foot of living area, including land.

The appraiser made adjustments to the comparables for sales concessions, location, lot size, bathrooms, room count, dwelling size, basement size, lack of basement finish, garage size, the number of fireplaces and/or other amenities. From this process, the appraiser opined adjusted sales prices ranging from \$275,600 to \$306,900. As to the comparables, the appraiser noted comparable #2 was most heavily weighted as it is located in the same subdivision as the subject. Comparable #2 was also given a downward \$3,000 adjustment for sales concessions and a \$10,000 upward adjustment as a foreclosure. From this process, the appraiser opined an estimated market value for the subject of \$280,000 as of January 1, 2013.

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 \$120,582. The subject's assessment reflects a market value of \$363,308 or \$124.80 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Will County of 33.19% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter and Exhibits A and B which were all prepared by the Homer Township Assessor's Office. As to appraisal sale #2, the assessor noted the dwelling is a two-story home which is dissimilar to the subject one-story dwelling. The assessor further reported that the subject property has well and septic whereas appraisal sales #1 and #3 have sewer and water and consist of much smaller parcels than the subject. In addition, the subject is nearly 100% brick construction whereas appraisal sales #1 and #3 are not. The assessor also summarily criticizes the lack of a cost approach to value to confirm the market approach to value in the report.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales of one-story dwellings located outside of the subject's subdivision as the only sale in the prior 5 years within the subdivision was appraisal sale #2, the two-story home. The comparables consist of brick or brick and frame

dwelling that were built in 1993 or 1999. The homes range in size from 2,670 to 2,747 square feet of living area and feature full basements, one of which is a walkout style, central air conditioning, a fireplace and a garage ranging in size from 510 to 1,296 square feet of building area. The comparables sold between March 2010 and May 2012 for prices ranging from \$310,000 to \$360,000 or from \$113.72 to \$131.05 per square foot of living area, including land.

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

Conclusion of Law

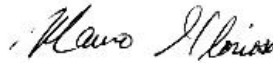
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 has given little weight to the value conclusion of the appellant's appraisal report. The Board finds that the appraiser utilized a dissimilar two-story dwelling that had been in foreclosure but was also in close proximity to the subject as the primary basis of the value conclusion in the appraisal report. The report was further supported by sales of two other one-story dwellings that were substantially smaller than the subject dwelling.

The Board has also given little weight to board of review comparable #2 as this property sold in March 2010, a date remote in time to the valuation date at issue of January 1, 2013.

The Board finds the best evidence of market value to be board of review comparable sales #1 and #3. These homes are relatively similar to the subject in size and features. These board of review comparable sales sold in April and May 2012 for prices of \$310,000 and \$325,000 or for \$113.72 and \$121.72 per square foot of living area, including land. The subject's assessment reflects a market value of \$363,308 or \$124.80 per square foot of living area, including land, which is above the best comparable sales in the record on a per-square-foot basis although the subject is slightly larger than both of these comparables. 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



Member

Member



Member

Member

DISSENTING: _____

CERTIFICATION

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: May 20, 2016



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.