



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

APPELLANT: Gary & Christine Marcotte
DOCKET NO.: 13-00724.001-R-1
PARCEL NO.: 23-16-05-300-031-0000

The parties of record before the Property Tax Appeal Board are Gary & Christine Marcotte, the appellants, by 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 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: \$14,033
IMPR.: \$80,958
TOTAL: \$94,991

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 dwelling of brick construction with approximately 3,226 square feet of living area.¹ The dwelling was constructed in 1977. Features of the home include a full basement,² central air conditioning, two fireplaces³ and an attached 713 square foot garage. The property also has an in-ground swimming pool, a tennis court and a pool house.⁴

¹ The appellants' appraiser reported a dwelling area of 3,360 square feet, but did not include a schematic drawing to support the contention. The board of review submitted a copy of the property record card with a schematic drawing to support the asserted dwelling size of 3,226 square feet. The Board finds this latter evidence is the best support evidence of dwelling size.

² The appellants' appraiser reported a partial basement that was 80% finished whereas the board of review reported a full basement and did not address whether there was basement finish.

³ The appellants' appraiser reported only one fireplace whereas the board of review reported "2-single 1.0 story" fireplaces.

⁴ The appellants' appraiser did not report either the tennis court or the pool house amenity of the subject property.

The property has a 207,458 square foot site and is located in Crete, Crete Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$285,000 as of January 1, 2013. On page one of the appraisal report, the appraiser indicated the appraisal was prepared for "estimation of value for tax assessment purposes"; on page two of the Addendum, the purpose of the appraisal was to "assist with an estimation of value for estate purposes" although page three of the Addendum reiterates the originally stated purpose of the report.

Under the cost approach the appraiser estimated the subject had a site value of \$100,000 or \$0.48 per square foot of land area. The appraiser estimated the reproduction cost new of the improvements to be \$576,075. The appraiser estimated physical depreciation based upon the estimated effective age and external depreciation to be \$403,253 resulting in a depreciated improvement value of \$172,822. The appraiser also estimated the site improvements had a value of \$40,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$312,800 under the cost approach to value.

Under the sales comparison approach the appraiser analyzed three comparable sales located within 1.31-miles from the subject. The comparable parcels range in size from 40,000 to 217,800 square feet of land area and are improved with one-story brick dwellings that range in age from 21 to 40 years old. The homes range in size from 1,956 to 2,800 square feet of living area and feature full basements, one of which is finished. Each home has central air conditioning and a two-car or a four-car garage. One of the comparables has a fireplace and one comparable has both a pole barn and a pond. The properties sold between February 2012 and January 2013 for prices ranging from \$220,000 to \$235,000 or from \$78.57 to \$120.14 per square foot of living area, including land.

The appraiser made adjustments to the comparables for land size, view, age, room count, dwelling size, full basement, lack of basement finish, lack of a fireplace and/or other amenities. From this process, the appraiser arrived at adjusted sale prices ranging from \$266,800 to \$291,200.

In reconciliation, the appraiser gave greater weight to the sales comparison approach with support from the cost approach. The appraiser opined a value for the subject of \$285,000 as of January 1, 2013. Based on this evidence, the appellants requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal." The appellants included a copy of the Final Decision of the Will County Board of Review disclosing the total assessment for the subject of \$148,159. The subject's assessment reflects a market value of \$446,397 or \$138.37 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 documentation prepared by the Crete Township Assessor's Office. The assessor criticized use of appraisal sale #2 by the appellants' appraiser since "the 2013 assessment is based on sales from 2010-2012." The assessor further disputed that a sale that occurred in January 2013 was not a valid comparable for an appraisal with a date of value of January 1, 2013.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales. The comparables consist of one-story dwellings, three of which are described as frame or brick dwellings; three of the comparables have no information on exterior construction. The homes were built between 1967 and 2007 and the homes range in size from 1,648 to 2,622 square feet of living area. Five of the comparables have full or partial basements, central air conditioning and a fireplace. Four of the comparables have a garage. The properties sold between January 2010 and September 2012 for prices ranging from \$230,000 to \$425,000 or from \$90.58 to \$157.47 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 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 Board finds the best evidence of market value to be the appraisal submitted by the appellants despite the lack of some of the details of the subject property as presented in the appraisal report and addressed in this decision. Due to the lack of suitable comparable sales presented by the board of review, the Property Tax Appeal Board finds that the appraisal is the best indication of value. The Board finds that board of review comparable sales #1, #5 and #6 sold in 2010, dates remote in time to the valuation date at issue of January 1, 2013 and unlikely to be indicative of the subject's estimated market value. Moreover, board of review comparables #2, #3 and #4 are dissimilar to the subject in features (no basement, no garage and no air conditioning), age (built in 2007) and size (1,648 square feet), respectively. As such, each of the board of review comparables have been given no weight in the Board's analysis.

The subject's assessment reflects a market value of \$446,397 or \$138.37 per square foot of living area, including land, which is above the appraised value and not supported by any of the comparable sales in the record submitted by either party. On this limited record, the Board finds the appellants' appraisal represents the best evidence of value and therefore, the Board finds the subject property is overvalued. In conclusion, a reduction in the subject's assessment commensurate with the appellants' request 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: June 24, 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.