



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

APPELLANT: Carl Vierk
DOCKET NO.: 13-03222.001-R-1
PARCEL NO.: 23-15-09-106-016-0000

The parties of record before the Property Tax Appeal Board are Carl Vierk, 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 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: \$14,370
IMPR.: \$62,806
TOTAL: \$77,176

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 2,726 square feet of living area.¹ The dwelling was constructed in 2002. Features of the home include a full basement with 2,045 square feet of finished area, central air conditioning, a fireplace and a 933 square foot attached garage. The property has a 1.79-acre site and is located in Crete, Crete Township, Will County.

¹ The appellant's appraiser reported a dwelling size of 2,640 square feet of living area which was supported by a schematic drawing. The assessing officials reported a dwelling size of 2,726 square feet of living area which was also supported by a schematic drawing. The Board finds that the slight size discrepancy does not prevent a determination of the correct assessment on this record.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a Restricted Use Residential Appraisal Report estimating the subject property had a market value of \$250,000 as of January 1, 2011.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$92,920. The subject's assessment reflects a market value of \$279,964 or \$102.70 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.

The board of review submitted a letter from the township assessor disclosing the subject property was purchased in February 2009 for a sale price of \$385,000. The assessor also discussed the comparables used in the appraisal and the two additional sale comparables submitted on behalf of the board of review. Also submitted was a grid analysis and property record cards for the parties' comparables.

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 Property Tax Appeal Board gave no weight to the value conclusion contained in the appraisal submitted by the appellant. The Board finds that the appraisal did not disclose the sale of the subject property on February 8, 2009 for \$385,000. The appraisal on page 1 of the addendum discussed the three comparables and differences when compared to the subject. An adjustment amount was put in parenthesis, but the Board finds that there was no discussion of how the amounts were calculated. Furthermore, the Board finds that the appellant's appraisal only included the sale price, date of sale, net adjustment and adjusted sale price in describing the comparables. The appraisal also mentioned the cost approach and an indicated a value of \$248,970 based on building cost, net data for the condition and quality of the improvements. The Board finds the appraisal was lacking in detail and furthermore, the date of valuation of January 1, 2011 is remote in time to the assessment date at issue of January 1, 2013.

Reviewing the entire record, the Board finds that the parties submitted a total of five sale comparables for the Board's consideration. The Board gave less weight to appellant's appraisal sale #2 based on its two-story design when compared to the subject's one-story design. The Board also gave less weight to the appellant's appraisal sale #3 and board of review comparable #1 based on their considerably smaller dwelling sizes of 2,159 and 2,253 square feet of living area when compared to the subject dwelling of 2,726 square feet of living area. Lastly, the Board gave reduced weight to appellant's appraisal sale #1 as the property sold in December

2010, a date nearly three years prior to the assessment date at issue and thus, unlikely to be indicative of the subject's estimated market value as of January 1, 2013.

The Board finds the best evidence of market value to be board of review comparable #2. This comparable has similarities to the subject in design, age, size, exterior construction, foundation, basement finish and other features. The comparable sold in December 2012, a month prior to the valuation date at issue, for \$220,000 or for \$85.30 per square foot of living area, including land. The subject's assessment reflects a market value of \$279,964 or \$102.70 per square foot of living area, including land, which is above the best comparable sale in the record. Based on the very limited market value evidence in this record, 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: 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.