



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

APPELLANT: Stephen Luster
DOCKET NO.: 14-00993.001-R-1
PARCEL NO.: 23-15-04-413-008-0000

The parties of record before the Property Tax Appeal Board are Stephen Luster, 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 **No Change** 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: \$13,647
IMPR.: \$52,126
TOTAL: \$65,773

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 2014 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 split-level dwelling of frame and brick construction with 2,910 square feet of living area.¹ The dwelling was constructed in 1976. Features of the home include a basement with finished area, central air conditioning, a fireplace and an attached two-car garage. The property has a 33,579 square foot site and is located in Crete, Crete 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 \$150,000

¹ The appellant's appraiser reported a dwelling size of 1,920 square feet and submitted a hand-drawn schematic to support the calculation. The assessing officials reported a dwelling size of 2,910 square feet and included a detailed schematic to support the calculation. Examining the evidence, the Board finds that the assessing officials provided the best evidence of dwelling size.

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 \$20,000 or \$0.60 per square foot of land area. The appraiser estimated the reproduction cost new of the improvements to be \$263,870. The appraiser estimated physical depreciation based upon the estimated effective age and external depreciation to be \$179,432 resulting in a depreciated improvement value of \$84,438. The appraiser also estimated the site improvements had a value of \$20,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$124,400 under the cost approach to value.

Under the sales comparison approach the appraiser analyzed three comparable sales located within .68 of a mile from the subject. The comparable parcels range in size from 15,000 to 37,400 square feet of land area and are improved with two-story frame or brick and frame dwellings that range in age from 35 to 51 years old. The homes range in size from 1,752 to 2,000 square feet of living area and feature full basements, with finished areas. Each home has central air conditioning, a fireplace and a two-car garage. The properties sold between October 2011 and June 2012 for prices ranging from \$134,000 to \$180,000 or from \$67.00 to \$101.98 per square foot of living area, including land.

The appraiser made adjustments to the comparables for sales concessions, land size, view, exterior construction, condition, dwelling size, other amenities and/or "amenity/upgrade" differences. From this process, the appraiser arrived at adjusted sale prices ranging from \$144,800 to \$163,000.

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 \$150,000 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 \$65,773. The subject's assessment reflects a market value of \$197,933 or \$68.02 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Will County of 33.23% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data prepared by the Crete Township Assessor's Office. The assessor contends that appraisal sale #1 is actually a ranch style dwelling that sold after a Sheriff's Deed; appraisal sale #2 is a two-story dwelling that was sold by a financial institution; and appraisal sale #3 was a short sale.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales "from the same general area" of the subject. The comparables consist of split-level dwellings of frame and brick construction that

were built between 1972 and 1987. The homes range in size from 2,016 to 2,558 square feet of living area. Four of the comparables have basements and each home has central air conditioning, a fireplace and a garage. The properties sold between July 2011 and September 2014 for prices ranging from \$145,000 to \$175,000 or from \$66.12 to \$74.40 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board has given little weight to the appellant's appraisal report as the Board finds the appraiser utilized a wrong dwelling size for the subject and incorrectly described the comparable sales that were primarily utilized in arriving at the value conclusion of the report. The Board finds that the dwelling size error for the subject finding a size of 1,920 square feet when the best evidence indicates a dwelling size of 2,910 is a substantial error that is a fatal flaw in the analysis to determine the correct estimated market value of the subject property. Moreover, the board of review established that the comparable dwellings presented in the appraisal report were not each two-story homes as described by the appraiser, but were of varying designs, none of which was a similar split-level dwelling to the subject.

The Board also finds that board of review comparable sales #2, #3 and #5 sold in 2011, dates remote in time to the valuation date at issue of January 1, 2014 and unlikely to be indicative of the subject's estimated market value.

Therefore, on this record, the Board finds the best evidence of market value to be board of review comparable sales #1 and #4. These board of review comparables sold in October 2013 and September 2014 for prices of \$160,000 and \$175,000 or for \$66.83 and \$68.41 per square foot of living area, including land. The subject's assessment reflects a market value of \$197,933 or \$68.02 per square foot of living area, including land, which is within the range of the best comparable sales in the record on a per-square-foot basis. Given the subject dwelling at 2,910 square feet of living area is larger than these most similar comparables that contain 2,394 and 2,558 square feet of living area, respectively, the Board finds that it is logical and expected that the subject's overall value could be higher than these otherwise most similar comparables. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.