



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

APPELLANT: Frank Biela
DOCKET NO.: 15-00168.001-R-1
PARCEL NO.: 16-05-18-102-014-0000

The parties of record before the Property Tax Appeal Board are Frank Biela, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. in Chicago; 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: \$20,432
IMPR.: \$86,235
TOTAL: \$106,667

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 2015 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 is improved with a one-story dwelling of brick exterior construction with 2,336 square feet of living area. The dwelling was built in 2006. Features of the home include a basement, central air conditioning, a fireplace and a three-car garage. The property has a 13,455 square foot site and is located in Lockport, Homer 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 \$320,000 as of January 1, 2015. The appraisal was prepared by Garry Nusinow a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using six comparable sales. The comparables consist of one-story dwellings that were constructed from 1994 to 2012. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings range in size from

2,119 to 2,557 square feet of living area and are situated on sites that contain from 10,123 to 13,269 square feet of land area. The comparables sold from March 2013 to January 2015 for prices ranging from \$245,000 to \$376,000 or from \$115.62 to \$161.51 per square foot of living area, including land. The appraiser made adjustments to each comparable for differences from the subject property to arrive at adjusted prices ranging from \$282,000 to \$330,000. The appellant requested the total assessment be reduced to \$106,667.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$125,376. The subject's assessment reflects a market value of \$377,071 or \$161.42 per square foot of living area, when applying Will County's 2015 three-year average median level of assessment of 33.25% as determined by the Illinois Department of Revenue. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal the board of review submitted a statement asserting that appraisal comparables #2 and #3 are not from the same subdivision and #5 and #6 are not from Homer Township.

In support of the subject's assessment, the board of review submitted information on three comparable sales.¹ The comparables consist of one-story dwellings that were constructed from 2006 to 2009. The dwellings had features with varying degrees of similarity when compared to the subject. The dwellings contain 2,137 or 2,336 square feet of living area and are situated on sites that contain from 10,425 to 12,019 square feet of land area. The comparables sold from June 2013 to April 2015 for prices ranging from \$325,000 to \$376,000 or from \$139.13 to \$154.19 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant's attorney asserted the township assessor has submitted three unadjusted raw sales and therefore these comparable sales lack sufficient analysis.

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 January 2015 appraisal submitted by the appellant, estimating the subject property had a market value of \$320,000. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value. The Board takes note that two of the three sales comparables submitted by the board of review were the same comparables used in the appraisal and board of review comparable #1 supports the established market value in the appraisal when adjusted for differences such as age.

¹ The appraisal comparables #1 and #4 and the board of review comparables #2 and #3 appear to depict the same properties.

The subject's assessment reflects a market value above the best evidence of market value in the record. 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

Acting Member



Member



Acting 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 23, 2017



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.