



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

APPELLANT: Brian J. and Lorna K. Prince
DOCKET NO.: 16-00312.001-R-1
PARCEL NO.: 03-02-21-208-001

The parties of record before the Property Tax Appeal Board are Brian J. and Lorna K. Prince, the appellants, by attorney Gregory A. Deck, of Deck & Baron in Kankakee; and the Kankakee 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 **Kankakee** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$9,530
IMPR.: \$26,170
TOTAL: \$35,700

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kankakee County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 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 exterior construction with 832 square feet of living area.¹ The dwelling was constructed in 1954. Features of the home include a crawl space foundation, central air conditioning, a 160 square foot covered porch, a 400 square foot carport, a 336 square foot attached garage and a 506 square foot detached garage. The property has a 6,500 square foot site and is located in Manteno, Manteno Township, Kankakee County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal with an estimated market value of \$98,000 as of December 31,

¹ The Property Tax Appeal Board finds the best evidence of dwelling size was presented by the appellant located in the appraisal which contained a schematic diagram and the calculations of the subject's dwelling size.

2015.² The appraisal was prepared by Sean M. Dandurand, a State of Illinois certified residential real estate appraiser. The property rights appraised were fee simple and the appraisal was performed for property tax assessment. In estimating the market value, the appraiser developed the cost approach to value and the sales comparison approach to value. Using the cost approach, the appraiser estimated the subject property had a site value of \$18,824. The appraiser estimated the building improvements had a replacement cost new of \$162,114. Using an economic life of 80 years and a remaining economic life of 55 years, the appraiser calculated physical depreciation to be \$50,661. The appraiser also applied \$32,423 of external depreciation. Adding the land value, and the depreciated improvement value, the appraiser arrived at an estimated value under the cost approach of \$97,854.

Under the sales comparison approach to value the appraiser utilized four comparable sales located within .78 of a mile from the subject property. The comparables are described as one-story dwellings ranging in size from 962 to 1,290 square feet of living area that were 6 to 119 years old. One comparable has an unfinished basement and three comparables have central air conditioning and a one-car or a two-car garage. The comparables have sites ranging in size from 4,200 to 10,234 square feet of land area. The comparables sold from September 2014 to October 2015 for prices ranging from \$86,000 to \$134,000 or from \$66.67 to \$119.22 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject, the appraiser estimated the comparables had adjusted sale prices ranging from \$97,046 to \$102,509. Based on this data the appraiser estimated the subject had an estimated market value of \$98,000 as of December 31, 2015. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,700. The subject's assessment reflects a market value of \$107,239 or \$128.89 per square foot of living area, land included, when using 832 square feet of living area and the 2016 three-year average median level of assessment for Kankakee County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment of the subject property the board of review provided information on four comparable sales located within .4 of a mile from the subject property. The comparables are improved with one-story dwellings ranging in size from 1,085 to 1,452 square feet of living area that were constructed from 1958 to 1965. Two comparables have basements, one of which has finished area. Each comparable features central air conditioning, and a garage ranging in size from 280 to 525 square feet of building area. The comparables have sites ranging in size from approximately 4,180 to 12,960 square feet of land area. The comparables sold from May 2015 to December 2015 for prices ranging from \$115,000 to \$150,000 or from \$95.83 to \$119.82 per square foot of living area, including land.

In further support, the board of review submitted a memo from the township assessor arguing appellants' comparable #1 is only 6 years old and located next to a gas station on a busy highway. In addition, comparable #2 was a foreclosure sale. Based on this evidence, the board of review requested confirmation of the subject's assessment.

² The Board finds the appraisal had an effective date of December 31, 2015 but a Date of Report (Signature) of September 29, 2015.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gave less weight to the value conclusion in the appraisal due to the appraiser utilizing two sales that occurred in 2014 when more recent similar sales submitted by the board of review were available. In addition, one comparable was located on a busy highway next to a gas station, one comparable was a foreclosure sale and two comparables were considerably dissimilar in age. These factors undermine the creditability of the appraiser's value conclusion.

The Board also gave less weight to board of review comparables #1 and #2 due to their superior basements when compared to the subject. The Board finds the best evidence of market value to be board of review comparables #3 and #4. These two comparables are most similar in location, design, age and most features. Both properties sold in June 2015 for \$128,500 and \$130,000 or \$102.15 and \$119.82 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$107,239 or \$128.89 per square foot of living area including land, which falls below the range on an overall basis but above the range on a square foot basis by the most similar comparable sales contained in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Furthermore, accepted real estate valuation theory provides, all other factors being equal, as the size of a property increases, its per unit value decreases. Likewise, as the size of a property decreases, its per unit value increases. Based on this analysis, the Board finds the subject's higher per square foot improvement assessment is well justified given its smaller size. Therefore, no reduction in the subject's improvement assessment is warranted.

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

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 21, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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