



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

APPELLANT: Joshua O'Reilly
DOCKET NO.: 18-01161.001-R-1
PARCEL NO.: 01-24-13-404-005-0000

The parties of record before the Property Tax Appeal Board are Joshua O'Reilly, the appellant, by Dennis D. Koonce, Attorney at Law in Frankfort; 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: \$23,663
IMPR.: \$65,950
TOTAL: \$89,613

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 2018 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 two-story dwelling of frame with masonry trim exterior construction with 2,444 square feet of living area.¹ The dwelling was constructed in 1977 and is approximately 41 years old. Features of the home include a full finished basement, central air conditioning, two fireplaces and a 713 square foot garage. The property has a 78,495 square foot site or approximately 1.80 acres of land and is located in Wilmington, Custer Township, Will County.

¹ The parties differ as to the subject's site size, dwelling size, age and basement description. The Property Tax Appeal Board finds the best description of the subject property's site size, dwelling size, age and basement finish was presented by the board of review located in the property record card which contained a schematic diagram and the dimensions of the subject's dwelling size. The appellant's appraisal did not include a schematic diagram depicting the size of the subject and the related calculations, nor did the appraiser include any interior or exterior photographs of the subject dwelling in the report.

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 \$225,000 as of April 12, 2017. The appraisal was prepared by Sheila M. Jackson, a State of Illinois Certified Real Estate Appraiser. The property rights appraised were fee simple and the appraisal was performed to evaluate the market value of the subject property for a purchase transaction.

The appraiser noted in the appraisal report that the subject property is for sale by owner and is being purchased by family. The appraiser also noted that it was a non-arms-length transaction and the purchase contract is a standard contract with conventional financing. The appraiser reported a contract price of \$180,000 and the date of contract as February 15, 2016.

The appraiser described the subject as a two-story cottage of cedar and stone exterior construction with 2,699 square feet of living area that is situated on a 1-acre site. The appraiser reported that the home features an unfinished basement, central air conditioning, one fireplace and a two-car garage.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value the appraiser chose five comparables sales and two listings described as two, 1.5-story contemporary or cape cod dwellings; four, one-story ranch or bungalow dwellings; and one, two-story traditional dwelling ranging in size from 1,408 to 2,671 square feet of living area and are located from .41 of a mile to 3.54 miles from the subject property. The comparables range in age from 18 to 100 years old. Three comparables each feature an unfinished basement, five comparables have central air conditioning, six comparables each have one or two fireplaces and six comparables each have a either a two-car or a four-car garage. The comparables have sites ranging in size from approximately .79 of an acre to 3.73 acres of land area. Comparables #1 through #5 sold from June to October 2016 for prices ranging from \$164,000 to \$314,000 or from \$102.47 to \$122.12 per square foot of living area, including land. Comparables #6 and #7 are listed for \$275,000 and \$219,500 or \$117.82 and \$129.04 per square foot of living area, including land, respectively. After considering adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$225,000 as of April 12, 2017.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$75,000 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$118,392. The subject's assessment reflects a market value of \$355,425 or \$145.43 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Will County of 33.31% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter from the Custer Township Assessor critiquing the appellant's evidence. The assessor asserted that only two of the appellant's comparable sales in the appraisal were located in Custer Township. The assessor also asserted that one of these sales was a multi-parcel sale of a home with 1,250 square feet of living area built in 1953 and the other sale was for a different style home than the subject with

1,408 square feet of living area built in 1984. The assessor provided property record cards for comparables #2 and #3 found in the appellant's appraisal report to support these claims.² The assessor reported that the son purchased the subject property from his mother in May 2017 for a price of \$210,000, but a relative sale was not marked on the PTAX-203 document number R2017005507.

In support of its contention of the correct assessment of the subject property, the board of review through the township assessor, submitted a grid analysis and property record cards of the subject and four comparable sales. Two of the comparables are located within the same neighborhood as the subject property. The comparables have sites that range in size from 4,356 to 435,600 square feet or approximately .01 of an acre to 10 acres of land area. The comparables are improved with one, two-story dwelling and three, part one-story and part two-story dwellings of frame exterior construction ranging in size from 2,092 to 2,484 square feet of living area. The dwellings range in age from 9 to 41 years old. Each comparable has a basement with two having finished area. The comparables each have central air conditioning, three comparables each have one or two fireplaces, three comparables each have either one or two garages ranging in total size from 480 to 1,731 square feet of building area. Two comparables each have a pole barn. The comparables sold from July 2014 to June 2018 for prices ranging from \$360,000 to \$404,000 or from \$144.93 to \$193.12 per square foot of living area, including land.

Based on this evidence, 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.

In support of their arguments before the Property Tax Appeal Board, the appellant submitted an appraisal of the subject property, while the board of review provided four comparable sales. The Board gave little weight to the conclusion of value contained in the appellant's appraisal report. The Board finds it problematic that the appraiser provided no credible evidence to support the subject's site size, dwelling size and/or age, which differs considerably from the subject's description depicted in the property record card provided by the board of review. The Board finds the appraiser made no age and/or location adjustments without explanation. Lastly, the appraiser chose four ranch style, one-story dwellings which differ from the subject's two-story design. The Board finds these factors undermine the credibility of the appraiser's conclusion of value. Therefore, the Board will analyze the raw sales data in the appraisal.

² The parties differ as to the dwelling size and age of comparables #2 and #3 in the appellant's appraisal report. The Board finds the best evidence of the description of these two properties was presented by the board of review located in the property record cards which contained schematic diagrams and the calculations for each dwelling.

The record contains nine comparable sales for the Board's consideration. The Board finds none of these comparables are truly similar to the subject due to differences in location, site size, dwelling size, design, age, features and/or their sale dates did not occur proximate in time to the assessment date at issue. Nevertheless, the Board gives less weight to the appraiser's comparable sales #3 and #4 which differ from the subject in dwelling size, design and/or age. The Board also gives less weight to appraiser's comparable #4 due to its distant location from the subject being more than 3 miles away. The Board gives reduced weight to the board of review comparables which differ from the subject in site size, age, features and/or their sales occurred in 2014 which are dated and less likely to reflect the subject's market value as of the January 1, 2018.

The Board finds the best evidence of market value in the record to be the appellant's appraiser's comparables #1 and #2. These two comparables have varying degrees of similarity when compared to the subject. They sold in August and October 2016 for prices of \$314,000 and \$195,000 or for \$117.56 and \$102.47 per square foot of living area, including land, respectively. The subject's assessment reflects an estimated market value of \$355,425 or \$145.43 per square foot of living area, including land, which is above the two best comparable sales in the record. After considering adjustments to the comparables for differences from the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive and a reduction in the subject's 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: July 20, 2021



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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