



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

APPELLANT: Patrick & Barbara Fitzgibbon
DOCKET NO.: 19-00199.001-R-1
PARCEL NO.: 16-05-23-204-010-0000

The parties of record before the Property Tax Appeal Board are Patrick & Barbara Fitzgibbon, the appellants, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. 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: \$ 30,840
IMPR.: \$137,679
TOTAL: \$168,519

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2019 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 single-family dwelling of brick exterior construction with 4,324 square feet of living area. The dwelling was constructed in 1988. Features of the home include a full basement with a walkout feature and finished area,¹ central air conditioning, four fireplaces,² a balcony, an 850 square foot garage and an inground swimming pool. The property has a 16,257 square foot site and is located in Homer Glen, Homer Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted data concerning the recent listing of the subject property and an appraisal.

¹ The assessing officials do not depict any basement finish for the subject or the suggested comparable properties.

² While the assessing officials report two fireplaces, the appraiser who performed an interior inspection, reports four fireplaces and has included photographs in the appraisal report depicting three fireplaces.

First, the documentation of the listing, consists of printouts from the Redfin website, and indicates an asking price for the subject of \$524,000. The Redfin listing further indicates the property had been on the market for approximately 90 days as of the print date and was most recently listed for sale in November 2019.

Further, in support of the overvaluation argument, the appellants submitted an appraisal report prepared by Michael Trotier, a Certified General Real Estate Appraiser. The property rights appraised were fee simple and the appraisal was prepared for a retrospective opinion of market value as of January 1, 2019. The sales comparison approach was utilized by the appraiser in estimating that the subject property had a market value of \$505,000 as of January 1, 2019.

As part of the appraisal, Trotier reported the property was listed with an asking price of \$524,000 as of the date of inspection, August 23, 2019. He also noted the property had been on the market for a total of 435 days at that time and reported that on the effective date of the appraisal, the asking price was \$590,000.

As to the subject, Trotier described the dwelling as having little updating since it was built in 1988 with an overall average construction and overall average condition given its age and location.

The appraiser developed the sales comparison approach to value using five comparable sales located from .07 to .69 of a mile from the subject. The comparable parcels range in size from 15,576 to 99,924 square feet of land area with three comparables having a residential view like the subject and two comparables have wooded views. The parcels are improved with three "traditional," one quad-level and one Victorian dwelling that range in size from 2,902 to 4,778 square feet of living area. The dwellings were from 21 to 41 years old and each home has a basement ranging in size from 833 to 2,508 square feet. Each comparable has finished basement area and either a full bathroom or a half-bathroom. Each home has central air conditioning, one to three fireplaces and from a two-car to a six-car garage. Comparables #2 and #3 each have inground swimming pools. The sales occurred from September 2017 and March 2019 for prices ranging from \$390,000 to \$665,000 or from \$113.27 to \$188.76 per square foot of living area, including land.

Adjustments were made by Trotier to the comparables for differences from the subject property in financing concessions, date of sale, lot size, view, quality of construction, condition, bathroom count, dwelling size, basement size, basement bathrooms, functional utility, zoned air conditioning, garage size, number of fireplaces, pool and/or porch/patio/deck/balcony amenities. Differences in lot size were adjusted at \$.50 per square foot, wooded views were adjusted at \$60,000; updates/rehabs were adjusted at \$25,000; and dwelling size differences were adjusted at \$30 per square foot. Through this process the appraiser arrived at adjusted prices ranging from \$448,400 to \$538,200. Trotier reported that all of the sales "have a high magnitude of adjustments with the exception of Comparable #1 and #4, which are given greatest weight." He also gave comparable #3 great consideration as it "has the least magnitude of gross adjustments. The appraiser arrived at an estimated market value for the subject of \$505,000 under the sales comparison approach.

Thus, the appellants requested the subject's assessment be reduced to reflect the appraised value at approximately one-third.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$226,015. The subject's assessment reflects a market value of \$677,300 or \$156.64 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Will County of 33.37% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review submitted a memorandum and data prepared by the Homer Township Assessor's Office. The assessor noted that four of the five comparable sales in the appraisal report have gross adjustments exceeding 25% which the assessor opines "should be an indicator that maybe the comparables [*sic*] sales are not in fact comparable to the subject." The assessor contends that appraisal sale #2 does not have an inground pool (Exhibit A) by submitting a copy of the property record card (PRC). The Board finds the PRC under "Division," page 1, does in fact have a notation of inground pool and pool house. Furthermore, the permit record displays a pool constructed in 1986. The Board acknowledges that page 2 of the PRC with a schematic drawing lacks a depiction of the pool and/or pool house. The assessor also noted that appraisal sale #5 is more than 1,400 square feet smaller in its living area than the subject dwelling.

In support of this assessment, the board of review through the township assessor submitted five comparable sales which were located from .11 of a mile to 3.23 miles from the subject. The comparable parcels range in size from 20,310 to 190,492 square feet of land area. The parcels are improved with either a 1.5-story or a 2-story dwelling of brick or brick and stone or brick, stucco and stone exterior construction that range in size from 3,637 to 4,372 square feet of living area. The dwellings were 16 to 20 years old and each has a basement, central air conditioning, one or two fireplaces and a garage ranging in size from 772 to 1,214 square feet of building area. Comparable #5 also has a 680 square foot barn. The sales occurred from October 2017 to June 2019 for prices ranging from \$526,000 to \$1,079,000 or from \$144.62 to \$246.80 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellants submitted an appraisal of the subject property along with evidence of a current listing and the board of review criticized the comparables chosen for the appraisal due to the adjustments applied and supplied five comparable sales to support their respective positions

before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #1, #4 and #5 which are each from 1.02 to 3.23-miles from the subject property and thus differ in location when compared to the subject. Moreover, the Board finds that none of the five board of review comparable sales have an inground pool amenity and the comparable sales that have been presented consist of raw, unadjusted sales prices. Furthermore, to the extent that board of review comparables #2 and #3 might be considered most similar to the subject property due to their closer proximities to the subject, each dwelling is more than 600 square feet smaller than the subject and quite a bit newer than the subject dwelling that was built in 1988 whereas these comparables were build in 2000 and 2003.

Notably, the Board finds that the appellants submitted evidence of a current listing of the subject property for an asking price of \$524,000 along with an appraisal of the subject property with a final value conclusion as of January 1, 2019 of \$505,000. The appraisal recognized and discussed the listing of the property and further noted the property had been on the market for 435 days as of the date of inspection in August 2019. Since an asking price is most often the high-end of value, given the lengthy period of listing without a sale combined with the appraisal report prepared by Trotier, the Property Tax Appeal Board finds these two market value indications are both close to the assessment date at issue of January 1, 2019 and suggest that the subject property is overvalued given that the assessment reflects a market value of \$677,300. Giving greatest weight to the value conclusion of the appellants' appraisal report, the Property Tax Appeal Board finds that the subject property has a market value as of January 1, 2019 of \$505,000, including land.

Based upon the market value determination as stated above, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for Will County for 2019 of 33.37% shall be applied. (86 Ill.Admin.Code §1910.50(c)(1)).

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: June 8, 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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