



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

APPELLANT: Leonard S. Libersher
DOCKET NO.: 11-00781.001-R-1
PARCEL NO.: 11-04-04-208-040-0000

The parties of record before the Property Tax Appeal Board are Leonard S. Libersher, the appellant, and the Will County Board of Review.

Based on the facts and exhibits presented, 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: \$17,141
IMPR.: \$26,871
TOTAL: \$44,012

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 2011 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 frame construction with 1,050 square feet of living area. The dwelling was constructed in 1969. Features of the home include a crawl-space foundation, central air conditioning and two detached garages with a total of 816 square feet of building

area. The property has a 6,540 square foot site and is located in Lockport Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within a "few blocks" of the subject along with a letter arguing that recent foreclosures and short sales have increased which should also be considered along with DuPage County sales.

Based on this evidence and argument, the appellant requested a total assessment of \$30,001 which would reflect a market value of approximately \$90,000.

The board of review submitted its "Board of Review Notes on Appeal." Based upon the Notice of Final Decision issued by the board of review, the total assessment for the subject for 2011 was \$44,012. The subject's assessment reflects a market value of \$132,526 or \$126.22 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Will County of 33.21% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review through the Lockport Township Assessor submitted information on six comparable sales along with underlying property record cards and copies of the PTAX-203 Illinois Real Estate Transfer Declaration for each of the sales transactions. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds all nine comparable sales submitted by both parties have varying degrees of similarity to the subject property and were located in the same area as the subject. Each

home is a one-story frame dwelling that was similar in age to the subject property. The homes range in size from 900 to 1,212 square feet of living area. Six of the comparable homes have central air conditioning and five of the comparables have a garage ranging in size from 264 to 528 square feet of building area.

Based upon an examination of the underlying PTAX-203 transfer declarations, the Board has given reduced weight to board of review comparables #2 and #4 as each of these properties was not advertised prior to the reported sale transaction. The Board finds on this record there is no indication that these two sales were arm's length sale transactions. Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970).

The remaining seven comparables sold between August 2009 and February 2011 for prices ranging from \$70,500 to \$143,500 or from \$68.89 to \$158.89 per square foot of living area, including land. The subject's assessment reflects a market value of \$132,526 or \$126.22 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, even though the subject has a superior feature of two garages with a total garage size greater than any of the comparable properties presented by either party. 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Mario Morris

Member

Member

DISSENTING:

C E R T I F I C A T I O N

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: January 23, 2015

Allen Castrovillari

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.