



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

APPELLANT: Derek Hackney  
DOCKET NO.: 12-00448.001-R-1  
PARCEL NO.: 30-07-20-122-015-0000

The parties of record before the Property Tax Appeal Board are Derek Hackney, the appellant, by attorney Jerri K. Bush, in Chicago; 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:** \$4,653  
**IMPR.:** \$27,572  
**TOTAL:** \$32,225

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 2012 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 two improvements situated on one parcel. Dwelling #1 is a two unit, raised ranch dwelling of

frame construction with 676 square feet of living area.<sup>1</sup> The dwelling was constructed in 1911. Features of the home include a full basement and a 180 square foot carport. Dwelling #2 is a one-story dwelling of frame construction that contains 364 square feet of living area and was built in 1954. Features include a concrete slab foundation, an unfinished attic and a 468 square foot attached garage.<sup>2</sup> The property has a .14 acre site and is located in Rockdale, Joliet Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on February 28, 2009 for a price of \$41,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service. The listing also depicted the property had been on the market for 7 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase date and price; a copy of the Multiple Listing Service data sheet depicting a listing date of February 5, 2009 with an asking price of \$39,900 and describing the subject as repairs needed and sold "as is". No disclosures, survey, buyer responsible for all city inspections and compliances was also depicted on the listing.

The appellant also submitted information on three comparable sales located from .11 to .93 of a mile from the subject property. The comparables consist of one-story dwellings that were built from 1918 to 1949. The homes contain from 680 to 1,056 square feet of living area. These properties sold between November 2011 and March 2012 for prices ranging from \$23,500 to \$62,500 or from \$34.56 to \$59.19 per square foot of living area, including land.

Based on this evidence, the appellant requested an assessment of \$13,665 reflects a market value of \$40,999 or \$39.42 per square foot of living area for both houses, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$32,225. The subject's assessment reflects a market value of

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<sup>1</sup> The description of dwelling #1 was obtained from the property record card submitted by the board of review. The property record card also contained a schematic diagram of the subject property.

<sup>2</sup> The description of dwelling #2 was obtained from the subject's property record card submitted by the board of review.

\$96,946 or \$93.22 per square foot of living area for both houses, land included, when using the 2013 three year average median level of assessment for Will County of 33.24% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum prepared by and documentation gathered by the Joliet Township Assessor. As to the appellant's comparable sales, the assessor noted each of the properties was a foreclosure. The assessor also noted that the subject property was a 2009 foreclosure sale and now is a rental property.

In support of the subject's assessment, the township assessor prepared a grid analysis of four comparable sales located within three blocks of the subject property. The comparables consist of a 1.5-story and three, one-story dwellings of frame construction. The dwellings were built from 1885 to 1997. The homes range in size from 792 to 1,301 square feet of living area. The comparables have full or partial unfinished basements. Three comparables have central air conditioning. Two comparables each have a fireplace. Each comparable has a garage ranging in size from 400 to 506 square feet of building area. These properties sold between March 2010 and November 2012 for prices ranging from \$91,500 to \$146,000 or from \$90.77 to \$170.45 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant reiterated the contention that the subject's sale transaction took place within the three year sales ratio period and can be used as evidence of market value. The appellant stated that the assessor noted that there are two homes on the subject property, but like the appellant, the assessor used comparables that are one-story single family homes. Counsel also argued board of review comparable #2 is much newer and board of review comparable #4 described as invalid sale on property record card because it was not advertised.

#### **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.

As to the purchase price of the subject property that occurred in November 2009 for \$41,000, the Property Tax Appeal Board has given little weight to this sale which was 26 months prior to the assessment date at issue of January 1, 2012 and therefore is found to be remote in time and less likely to be indicative of the subject's market value as of the assessment date.

The board of review argued that the subject and appellant's comparables were sold as foreclosure or short sale properties. The Property Tax Appeal Board takes notice that Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider the sale of foreclosure and/or short sale properties in revising and correcting the subject's assessment.

The parties submitted at total of seven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gave less weight to board of review

comparable #4 because it was an unadvertised sale and its 1.5-story design when compared to the subject's one-story design. The Board finds neither party submitted comparables that had a second dwelling or were particularly similar to the subject in land size, age, dwelling size and/or features. These comparables sold between March 2010 and November 2012 for prices ranging from \$23,500 to \$146,000 or from \$34.56 to \$170.45 per square foot of living area, including land. The subject's assessment reflects a market value of \$96,946 or \$93.22 per square foot of living area for both houses, including land, which is within the range established by the comparable sales presented by both parties. 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. Therefore, no 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.

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Chairman

*K. L. Fan*

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Member

*Klaus Albrecht*

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Member

*Jerry White*

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Member

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Acting Member

*Robert Steffen*

\_\_\_\_\_  
Acting 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 22, 2016

*A. Proctor*

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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.