



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

APPELLANT: Courtney Oxley Turner
DOCKET NO.: 12-00463.001-R-1
PARCEL NO.: 11-04-23-400-015-0000

The parties of record before the Property Tax Appeal Board are Courtney Oxley Turner, 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: \$14,589
IMPR.: \$55,220
TOTAL: \$69,809

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 a part two-story and part one-story dwelling of frame exterior construction with 2,288 square feet of living area. The dwelling was constructed in 1910. Features of the home include a partial unfinished basement, central air conditioning and a 572 square foot attached two-car

garage. The property has a 6,750 square foot site and is located in Lockport, 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. Each comparable contains 1,600 square feet of living area and sold from May 2011 to March 2012 for prices ranging from \$80,000 to \$168,000 or from \$50.00 to \$105.00 per square foot of living area, land included. The appellant also submitted a grid analysis containing 13 suggested comparable sales along with Multiple Listing Service sheets containing incomplete information.¹

Based on this evidence, the appellant requested an assessment of \$40,340, which would reflect a market value of \$121,032 or \$52.90 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$69,809. The subject's assessment reflects a market value of \$210,015 or \$92.03 per square foot of living area, land included, when using the 2012 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 and documentation gathered by the Lockport Township Assessor. As to the appellant's comparable sales, the assessor noted that the appellant submitted Multiple Listing Service sheets for 12 homes but did not include their property record cards. The assessor stated that most of the sales were Sheriff Sales or foreclosures and were sold "as is". The assessor also reiterated that comparables sales #3, #7, #9 and #11 located on the grid analysis are not in the same neighborhood as the subject property.

In support of its contention of the correct assessment the board of review submitted information on eight comparable sales. These comparables contain from 1,080 to 2,624 square feet of living area and sold from April 2011 to August 2012 for prices ranging from \$106,000 to \$275,000 or from \$72.56 to \$108.91 per square foot of living area, land included.

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

¹ Two of the comparables submitted by the appellant are also included in the additional grid analysis.

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 comparable sales presented by the appellant, the board of review noted the properties sold as foreclosure or short sale properties. 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 a total of eleven comparable sales to support their respective positions before the Property Tax

Appeal Board. The Board finds the appellant also provided an additional eleven Multiple Listing Service sheets as evidence, but limited descriptive data for these properties was given. As a result, little weight was given to this evidence. The Board gave less weight to the appellant's comparables #2 and #3 due to the age of the properties not being disclosed. The Board gave less weight to board of review comparable #5 based on a considerably smaller dwelling size and newer in age when compared to the subject. The Board finds the best evidence of market value to be appellant's comparable sale #1 along with board of review comparable sales #1 through #4 and #6 through #8. These most similar comparables sold for prices ranging from \$119,000 to \$275,000 or from \$72.56 to \$108.91 per square foot of living area, including land. The subject's assessment reflects a market value of \$210,015 or \$92.03 per square foot of living area, including land, which is within the range established by the best comparable sales in this 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. 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.

Chairman

K. L. Fan

Member

Klaus Albrecht

Member

Jerry White

Member

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

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.