



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

APPELLANT: Alex Fenske  
DOCKET NO.: 13-00232.001-R-1  
PARCEL NO.: 21-14-02-211-015-0000

The parties of record before the Property Tax Appeal Board are Alex Fenske, the appellant, by attorney Sonja R. Johnson of Much Shelist, in Chicago, and the Will County Board of Review.

Based on the facts and exhibits presented, 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: \$5,650  
IMPR.: \$12,683  
TOTAL: \$18,333**

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 2013 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 1,092 square feet of living area. The dwelling was constructed in 1956. Features of the home include a concrete slab foundation and central air conditioning. The property has a .1695-acre site and is located in Park Forest, Monee Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on November 21, 2012 for an allocated price of \$64,000. In further support the appellant submitted copies of the Settlement Statement and the Real Estate Contract for the sale. The appellant acknowledged in a brief that the subject was purchased in conjunction with four other parcels with a total purchase price of \$575,000. The real estate contract has an allocated price for each of the five properties in the transaction.

In addition, the appellant submitted a copy of an appraisal of the subject property prepared for a purchase transaction reflecting the entire purchase price of \$575,000, but with an estimated market value of \$55,000 as of December 3, 2012 to the subject property.

The appraiser prepared both the cost and sales comparison approaches to value. In the cost approach, the appraiser concluded a value of \$68,500 for the subject. In the sales comparison approach, the appraiser analyzed three sales of one-story frame and masonry dwellings that were located within .39 of a mile from the subject. The dwellings were similar in age, foundation and central air conditioning feature to the subject and contain either 1,092 or 1,444 square feet of living area. The properties sold between May and December 2012 for prices ranging from \$50,000 to \$70,000 or from \$45.79 to \$64.10 per square foot of living area, including land. The appraiser made adjustments to the comparables for sale or financing concessions, lot size, condition, room count, dwelling size and/or other amenities resulting in adjusted sales prices ranging from \$53,500 to \$61,900. Under the sales comparison approach, the appraiser estimated the subject's market value to be \$55,000.

Based on this evidence, the appellant requested a reduction in the subject's assessment 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 \$24,450. The subject's assessment reflects a market value of \$73,667 or \$67.46 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Will County of 33.19% as determined by the Illinois Department of Revenue.

In rebuttal, the board of review submitted a memorandum and data prepared by Sandra Heard, Monee Township Assessor. In the memorandum, the assessor contended that a bulk sale of properties is generally less than individual property sales. In support of this contention, she provided a copy of the allocation from the appellant's real estate contract. However, the assessor also contends that the allocated purchase price of \$64,000 "better supports the current assessment amount" than the appraised value of \$55,000. As to the appraisal, the comparable sales were not located "within Monee Township." No other criticisms of the appraisal were presented by the board of review besides noting that the raw sales presented in the appraisal have a median sale price that supports the subject's estimated market value as reflected by its assessment.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located in Monee Township. The comparable properties were identical in size and foundation to the subject. One comparable has central air conditioning and each has a garage of either 280 or 462 square feet of building area. These comparables sold between November 2011 and August 2012 for prices ranging from \$48,000 to \$76,500 or from \$43.96 to \$70.05 per square foot of living area, including land.

In addition, the township assessor also provided a grid analysis of three comparables to establish that the subject is equitably assessed. The Property Tax Appeal Board will not further address this equity information which is not responsive to the appellant's overvaluation appeal.

Based on the foregoing evidence and argument, 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.

The Property Tax Appeal Board has given little weight to the appellant's allocated purchase price of the subject property on this record. The Board finds that there was no indication as to the original asking price of the subject property. Additionally, there was no information as to how the allocated purchase price of \$64,000 was determined by the buyer and seller. Furthermore, the Board finds there was no information as to how the total purchase price of the multiple properties was determined by the buyer and seller at the time of the real estate contract. The Board finds that all of these facts would be important in determining whether the allocated purchase price was truly reflective of fair market value of the subject parcel. Without this data, the Board cannot rely upon the allocated purchase price as a valid indicator of the subject's market value.

The Board finds the best evidence of market value in the record to be the appellant's appraisal with an estimated market value for the subject as of December 3, 2012 of \$55,000. This value conclusion is further supported by the two sales presented by the board of review which occurred in July and August 2012 for prices of \$48,000 and \$72,000, respectively. The Board has given reduced weight to board of review sale #1 which occurred in November 2011, a date more remote in time to the valuation date at issue of the January 1, 2013.

The subject's assessment reflects a market value of \$73,667 or \$67.46 per square foot of living area, including land, which is above the appraised value and also above the two best comparable sales in the record presented by the board of review. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellant's request is 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.

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Chairman

*K. L. Fan*

*Klaus Albrecht*

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Member

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Member

*Jerry White*

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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: November 20, 2015

*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.