



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

APPELLANT: Daniel Potochnic, Jr.
DOCKET NO.: 13-00585.001-R-1
PARCEL NO.: 05-06-16-307-012-0000

The parties of record before the Property Tax Appeal Board are Daniel Potochnic, Jr., the appellant, by Jerri K. Bush, Attorney at Law, 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: \$15,390
IMPR.: \$57,618
TOTAL: \$73,008**

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 two-story dwelling of frame construction with 2,550 square feet of living area. The dwelling was constructed in 1990. Features of the home include a full basement with finished area, central air conditioning, a fireplace, an attached two-car garage and an in-ground swimming

pool. The property has a 12,167 square foot site and is located in Shorewood, Troy 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 December 12, 2011 for a price of \$180,000. 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, the property had been advertised on the open market with the Multiple Listing Service and the property had been on the market for 528 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and a settlement date of October 28, 2011; a copy of the Multiple Listing Service data sheet depicting that "with a little TLC this could be your dream home" and was a short sale; and a copy of the Listing & Property History Report depicting a listing date of January 21, 2010 with an asking price of \$274,923 with multiple price reductions until a final asking price of \$179,923 as of February 22, 2011. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$73,008. The subject's assessment reflects a market value of \$219,970 or \$86.26 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 response to the appeal and in support of its contention of the correct assessment, the board of review submitted a memorandum from the Troy Township Assessor along with supporting documents. In the memorandum, it was asserted that the subject was the only property with an in-ground swimming pool.

The assessor submitted a spreadsheet with information on four comparable sales of part one-story and part two-story dwellings located either within a block or on the same street as the subject property. The homes range in size from 2,330 to 2,852 square feet of living area. Three comparables have full basements and each has central air conditioning, a fireplace and a garage ranging in size from 507 to 634 square feet of building area. The comparables sold from July 2013 to January 2014 for prices ranging from \$184,000 to \$300,000 or from \$96.00 to \$118.29 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, counsel for the appellant reiterated that the basis of this appeal was the recent sale of the subject property. Counsel contends that the subject's purchase was an arm's length transaction in light of applicable case law and has not been adequately disputed by the board of review. Moreover, the subject property's asking price was also less than the estimated market value as reflected by its assessment. Since the board of review did not provide any evidence that the subject's sale price was not reflective of market value, the appellant requested a favorable decision.

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.

Including the purchase price of the subject property, the parties submitted a total of five sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the subject's purchase price which occurred in 2011 and board of review comparable sale #4, each of which occurred 13 months remote in time to the valuation date at issue of January 1, 2013 and therefore each of which would be less likely to be indicative of the subject's estimated market value as of the assessment date.

On this record, the Board finds the best market value evidence consists of the board of review comparable sales #1, #2 and #3. These comparables have varying degrees of similarity to the subject dwelling. The comparables sold between July 2013 and October 2013 for prices ranging from \$184,000 to \$300,000 or from \$96.00 to \$105.19 per square foot of living area, including land. The subject's assessment reflects a market value of \$219,970 or \$86.26 per square foot of living area, including land, is within the range of the best comparables presented in

terms of overall value. Moreover, the subject property has an in-ground pool amenity which is not a feature of any of these comparables and the subject has a smaller garage than the comparables. Based upon its analysis, the Board finds that a reduction in the subject's assessment is not 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

Klaus Albrecht

Member

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.