



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

APPELLANT: Daniel Bos
DOCKET NO.: 13-00605.001-R-1
PARCEL NO.: 16-05-23-203-018-0000

The parties of record before the Property Tax Appeal Board are Daniel Bos, 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: \$ 31,049
IMPR.: \$ 84,592
TOTAL: \$ 115,641

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 brick and frame dwelling that has 3,452 square feet of living area. The dwelling was built in 1980. Features include an unfinished basement, central air conditioning, two fireplaces and a 528 square foot attached garage. The subject's land size was not

disclosed. The subject property is located in Homer Township, Will County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the sale of the subject property. The appellant's appeal petition indicated the subject property sold in August 2012 for \$275,000. The appellant submitted the settlement statement associated with the sale of the subject property. The evidence did not disclose if the subject property was listed for sale on the open market or if the parties to the transaction were related. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$115,641¹. The subject's assessment reflects an estimated market value of \$348,421 or \$100.93 per square foot of living area including land when applying the 2013 three-year average median level of assessment for Will County of 33.19%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal and six comparable sales. This evidence was prepared by the Homer Township Assessor. The comparable sales had varying degrees of similarity when compared to the subject. The comparables sold from January 2010 to July 2013 for prices ranging from \$336,000 to \$435,000 or from \$115.41 to \$138.52 per square foot of living area including land.

The assessor argued the subject's transaction was not an arm's-length transaction because the property was not exposed to the open market and the sale was between related family members. The assessor submitted the complaint form filed with the board of review wherein appellant's counsel disclosed the sale was between related parties. The seller was a "distant uncle." The assessor submitted the Real Estate Transfer Declaration (PTAX-203). Line 7 of the document shows the property was not advertised for sale. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

¹ The board of review notes on appeal depicts an incorrect assessment amount of \$120,280. The final decision issued by the board of review, as submitted by the appellant, shows a final assessment of \$115,641 for the 2013 tax year.

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 no reduction in the subject's assessment is warranted.

The Board gave no weight to the subject's August 2012 sale price. The Board finds the subject's sale does not meet the fundamental elements of an arm's-length transaction. The buyer and seller were related and the subject property was not advertised for sale on the open market

The board of review submitted six suggested comparable sale to support its assessment of the subject property. The Board gave less weight to comparables #4, #5 and #6. These sales occurred in 2010 or 2011, which are dated and less reliable indicators of market value as of the subject's January 1, 2013 assessment date. The Board finds the three remaining comparables are relatively similar to the subject in location, design, age, size, features and sold more proximate in time to the subject's January 1, 2013 assessment date. They sold for prices ranging from \$336,000 to \$429,900 or from \$115.41 to \$120.76 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$348,421 or \$100.93 per square foot of living area including land, which falls below the range established by the most similar comparable sales contained in this record on a per square foot basis, suggesting the subject property is undervalued.

Based on this analysis, the Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence.

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.