



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

APPELLANT: Erika De Guzman & Marcos Rojas  
DOCKET NO.: 13-00611.001-R-1  
PARCEL NO.: 30-07-17-226-009-0000

The parties of record before the Property Tax Appeal Board are Erika De Guzman and Marcos Rojas, the appellants, by attorney Jerri K. Bush of 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:** \$6,534  
**IMPR.:** \$19,208  
**TOTAL:** \$25,742

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 is improved with a 1.5-story dwelling of frame construction with 1,008 square feet of living area. The dwelling was constructed in 1918. Features of the property include a full finished basement and a detached garage with 280 square feet of building area. The property has a .14 acre site and is located in Joliet, Joliet Township, Will County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on April 6, 2012 for a price of \$39,000. The appellants disclosed the subject property was purchased from the Federal National Mortgage Association (Fannie Mae) out of foreclosure and the parties were not related. The appellants also indicated the property was sold through a

Realtor, the property was listed in the Multiple Listing Service (MLS) and the property had been advertised for sale for 9 days. To document the sale the appellant submitted a copy of the settlement statement and a copy of the MLS listing of the subject property which described the property as REO/Lender Owned, Pre-Foreclosure. 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 \$25,742. The subject's assessment reflects a market value of \$77,560 or \$76.94 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 support of its contention of the correct assessment the board of review submitted information from the Joliet Township Assessor stating that the subject property sold in April 2014 for a price of \$98,000. The assessor also provided information on four sales improved with one Cape Cod style dwelling and three 1.5-story dwellings that ranged in size from 1,044 to 1,248 square feet of living area. The dwellings were constructed from 1949 to 1955. Each comparable had a full basement, central air conditioning and a detached garage ranging in size from 280 to 440 square feet of building area. The comparables had sites ranging in size from .12 to .18 of an acre. These comparables sold from July 2012 to July 2013 for prices ranging from \$82,500 to \$112,000 or from \$76.84 to \$89.74 per square foot of living area, including land.

The appellant's counsel submitted rebuttal comments arguing the subject's recent sale was the best evidence of value.

#### **Conclusion of Law**

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellants provided evidence that the subject property was purchased in April 2012 out of foreclosure for a price of \$39,000 or \$28.69 per square foot of living area, including land. The parties to the transaction were not related, however, the property was exposed on the open market for only 9 days. The relatively short period of time for exposure on the open market tends to undermine the conclusion the sale had the elements of an arm's length transaction. Furthermore, the Board finds the sales data provided by the board of review calls into question whether

the purchase price was indicative of fair cash value. The board of review submitted information on four comparable sales that were similar to the subject in location, style and features with the exception each had central air conditioning and one had a larger garage. Additionally, these comparables were newer than the subject dwelling. These comparables sold proximate in time to the assessment date for prices ranging from \$82,500 to \$112,000 or from \$76.84 to \$89.74 per square foot of living area, including land. The subject's purchase price is significantly below these sales calling into question the validity of the sale as being representative of the property's fair cash value. Furthermore, the evidence also indicated the subject property sold again in April 2014 for a price of \$98,000, approximately 150% greater than the April 2012 purchase price, which further challenges the validity of the subject's purchase price as being reflective of fair cash value. The subject's assessment reflects a market value of \$77,560 or \$76.94 per square foot of living area, land included, which is supported by the sales provided by the board of review.

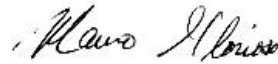
Based on this record the Board finds a reduction in the subject's assessment is not warranted.

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.

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Chairman



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Member



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Member



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Acting Member

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Member



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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: March 18, 2016



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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.