



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

APPELLANT: Nathaniel Plenty
DOCKET NO.: 13-00645.001-R-1
PARCEL NO.: 21-14-13-102-037-0000

The parties of record before the Property Tax Appeal Board are Nathaniel Plenty, the appellant, and the Will County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$1,500
IMPR.: \$18,500
TOTAL: \$20,000

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 is improved with a two-story townhouse of frame construction with 1,632 square feet of living area. The dwelling was constructed in 1972. Features of the home include a full walkout basement and central air conditioning. The property is located in University Park, Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales improved with two-story dwellings of frame construction that ranged in size from 1,480 to 1,632 square feet of living area. The dwellings were constructed from 1970 to 1974. Each comparable had a full basement and central air conditioning. One comparable had an attached garage with 263 square feet of building area. The sales occurred from June 2012 to June 2013 for prices ranging from \$12,635 to \$30,199 or from \$8.42 to \$18.50 per square foot of living area, including land. The appellant's analysis made adjustments to the comparable sales for date of sale and differences from the

subject property to arrive at adjusted prices ranging from \$12,566 to \$29,405 or from \$8.38 to \$18.02 per square foot of living area, including land. Based on this evidence the appellant requested the subject's assessment be reduced to \$6,666 to reflect a market value of \$20,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,050. The subject's assessment reflects a market value of \$66,436 or \$40.71 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 on three comparable sales identified by the township assessor improved with a one-story dwelling and two, two-story dwellings of frame or frame and masonry construction that ranged in size from 918 to 1,632 square feet of living area. The dwellings were constructed in 1972 and 1975. Two comparables had full basements and each comparable had central air conditioning. The sales occurred from April 2010 to December 2011 for prices ranging from \$27,000 to \$69,000 or from \$29.41 to \$42.57 per square foot of living area, including land.

The assessor also submitted information on three equity comparables to demonstrate the subject dwelling was being uniformly assessed.

In rebuttal the assessor asserted that appellant's comparable sales #1, #3, #4 and #5 were special warranty deed and/or Bank REO, seller/buyer was a financial institution. In support of this assertion the board of review submitted copies of the PTAX-203 Real Estate Transfer Declaration associated with these four sales.

In rebuttal the appellant provided a statement acknowledging that some of the comparables may be foreclosures but noted in part that Section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides that the Property Tax Appeal Board is to consider compulsory sales of comparable properties for the purpose of revision and correcting assessments including compulsory sales submitted by the taxpayer. The appellant also noted that the comparable sales submitted by the board of review occurred in 2010 and 2011 and should be considered less indicative of value due to the sale dates. The appellant also noted the equity comparables provided by the board of review did not address the appellant's market value argument.

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 Board finds the record contains eight sales submitted by the parties to support their respective positions. The Board recognizes that four of the appellant's comparables sales may be either short sales or a foreclosures. 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 these sales in revising and correcting the subject's assessment.

The Board finds the sales that occurred most proximate in time to the assessment date were those provided by the appellant. These comparables sold for prices ranging from \$12,365 to \$30,199 or from \$8.42 to \$18.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$66,436 or \$40.71 per square foot of living area, including land, which is above the range established by the appellant's comparable sales. The Board gave little weight to board of review sales #2 and #3 as these sales occurred in December 2010 and April 2010, not proximate in time to the assessment date at issue. Additionally, board of review sale #3 differed from the subject in style, foundation and size, which further detracts from the weight that can be given this sale. Board of review sale #1 was given some weight even though it sold approximately 13 months prior to the assessment date at issue. No weight was given the equity comparables provided by the board of review as these properties did not address the appellant's overvaluation argument. Based on this evidence the Board finds a reduction in the subject's assessment 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.



Chairman



Member

Member



Member

Member

DISSENTING: _____

CERTIFICATION

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: June 24, 2016



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.