



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

APPELLANT: Thomas Blaze
DOCKET NO.: 13-00656.001-R-1
PARCEL NO.: 15-08-22-428-014-1003

The parties of record before the Property Tax Appeal Board are Thomas Blaze, the appellant,¹ and the Will County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$5,658
IMPR.: \$36,774
TOTAL: \$42,432

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 condominium unit of frame exterior construction with 1,064 square feet of living area. The building was constructed in 1993. Features of the unit include an unfinished basement, central air conditioning and a 264 square foot garage. The property is located in New Lenox, New Lenox Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on nine comparable sales in the Section V grid analysis of the appeal petition. The comparables are located from .3 of a mile to 1.2-miles from the subject property. The comparables consist of two-story frame, brick or frame and brick dwellings. Comparables #1 through #3 and #5 through #9 range in age from 16 to 30 years old; no age was known for comparable #4. The dwellings range in size from 968 to 1,064 square feet of living area. Each comparable has a full basement with finished area, central air conditioning and a one-

¹ Attorney Jerri K. Bush withdrew her appearance as counsel for the appellant by a filing dated March 21, 2016.

car garage. The properties sold between March 2012 and June 2013 for prices ranging from \$70,000 to \$112,000 or from \$65.79 to \$105.26 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$30,997 which would reflect a market value of approximately \$92,991 or \$87.40 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$42,432. The subject's assessment reflects a market value of \$127,846 or \$120.16 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 appellant's evidence, the board of review submitted copies of the PTAX-203 Illinois Real Estate Transfer Declarations applicable to appellant's comparable sales #1 through #4 and #8 with various highlighted information and/or handwritten remarks. The sales were noted to be short sale, bank REO and/or seller/buyer is a financial institution or government agency, but in each document, the property was reportedly advertised prior to the sale transaction. As to appellant's comparable #2 where the appellant reported the March 2013 sale, the board of review presented documentation that the property sold again in November 2013 for \$120,000.

In support of its contention of the correct assessment the board of review submitted information gathered by the township assessor on four comparable sales located within half of a mile of the subject property. The comparables consist of two-story frame condominium units that were built between 1990 and 2002 and range in size from 1,012 to 1,178 square feet of living area. Each dwelling has a basement, central air conditioning and a 264 square foot garage. The properties sold between December 2011 and September 2012 for prices ranging from \$122,500 to \$150,000 or from \$115.13 to \$127.33 per square foot of living area, including land.

Based on this evidence, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As to the board of review's evidence noting the appellant's comparable properties were short sale and/or bank REO properties, the Board takes judicial notice of Section 1-23 of the Property Tax Code which 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 the appellant's suggested comparable properties in revising and correcting the subject's assessment.

The parties submitted a total of 13 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #4 as this property sold in December 2011, a date more remote in time to the valuation date at issue of January 1, 2013.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparable sales #1 through #3. These comparables have varying degrees of similarity to the subject dwelling in age, size and/or features. The properties sold between March 2012 and June 2013 for prices ranging from \$70,000 to \$150,000 or from \$65.79 to \$127.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$127,846 or \$120.16 per square foot of living area, including land, which is within the range established by the comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.