



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

APPELLANT: Jerry & Shanitta Bland, III
DOCKET NO.: 13-00671.001-R-1
PARCEL NO.: 23-15-09-109-009-0000

The parties of record before the Property Tax Appeal Board are Jerry & Shanitta Bland, III, the appellants, 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: \$15,706
IMPR.: \$50,961
TOTAL: \$66,667

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 consists of a two-story single-family dwelling of brick exterior construction with 3,137 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage of 871 square feet of building area. The property has a 17,770 square foot site and is located in Crete, Crete Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on ten comparable sales located either 1 block or 2-miles from the subject property. The appellants reported that 5 of the 10 comparable properties were listed on the market with the Multiple Listing Service for a period of more than 300 days. For each of the suggested comparables, the appellants provided a color photograph, a copy of the applicable property record card, the PTAX-203 Illinois Real Estate Transfer Declaration and a print out

from Movoto.com, Redfin.com, ColdwellBankerOnline.com or Realtor.com to establish the number of days the property had been on the market.

The comparables consist of two-story brick or brick and frame dwellings that were 8 to 21 years old. The comparables range in size from 2,646 to 3,330 square feet of living area. Each home features an unfinished basement, central air conditioning, a fireplace and a garage ranging in size from 628 to 782 square feet of building area. The properties sold between May 2010 and November 2011 for prices ranging from \$185,000 to \$207,000 or from \$55.85 to \$73.90 per square foot of living area, including land.

Based on this evidence, the appellants requested a total assessment of \$66,667 which would reflect a market value of approximately \$200,000 or \$63.76 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 \$80,626. The subject's assessment reflects a market value of \$242,923 or \$77.44 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, the board of review submitted a two-page memorandum and data gathered by the Crete Township Assessor's Office. The township assessor reported that the subject property was purchased in November 2009 for \$240,000 and for tax year 2010, the assessment was reduced to reflect the purchase price. There was no change in the assessment of the subject until 2013 at which time it was refigured "to make it more equitable to the other homes" in the subdivision.

As to appellants' comparable sale #1, the assessor contends this is an invalid sale due to the seller being a financial institution; appellants' comparable #2 is an invalid sale due to "it being in lieu of foreclosure"; and appellants' comparable #3 is an invalid sale due to it being an Executor's Deed. Similarly, for each of the remaining comparables presented by the appellants, the township assessor asserted the sales were invalid as a bank REO (comparable #4), due to "it being after a sheriff's deed (comparables #5, #6 and #9), seller being a financial institution (comparable #7), selling with a special warranty deed (comparable #8), and due to "the County marking it as a bad sale" (comparable #10). As documentary support, the assessor submitted copies of each of the property record cards and the PTAX-203 Illinois Real Estate Transfer Declarations for these ten sales presented by the appellants; each PTAX-203 indicates that the property was advertised prior to the transaction.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales located from .4 of a mile to 2.9-miles from the subject property. The comparables consist of two-story frame or brick and frame dwellings that were built between 1995 and 2008. The homes range in size from 2,343 to 3,619 square feet of living area. Each home features an unfinished basement, one of which is a walkout-style, central air conditioning, a fireplace and a garage. The properties sold between June 2010 and October 2012 for prices ranging from \$190,000 to \$315,000 or from \$75.52 to \$99.45 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants disputed the assertion that the appellants' comparable properties were invalid sales as the previously submitted PTAX-203 for the transaction and printout data both indicated the properties were advertised prior to sale. The appellants also dispute the assessment history of the subject property noting, as reported on the subject's property record card, the assessment of the subject was reduced in 2010 to \$80,000, further reduced in 2011 to \$74,000, further reduced in 2012 to \$66,970 and increased in 2013 to \$80,626 despite what the appellants characterize as a stressed housing market in the Crete area.

As to the comparables presented by the board of review, the appellants contend that these comparables are dissimilar to the subject in dwelling size, exterior construction, style of fireplace, basement size, balcony feature and/or walkout-style basement feature.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

As to the board of review's contention of "invalid sales," the Property Tax Appeal 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:

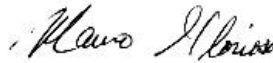
Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is mandated to consider compulsory sales in revising and correcting the subject's assessment.

The parties submitted a total of 14 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparables #3, #8 and #9 along with board of review comparable #1 as these dwellings are each substantially older than the subject dwelling that was built in 2004. The Board has also given reduced weight to the sales the parties presented that occurred in 2010, a date that is remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. Therefore, the Board has given reduced weight to appellants' comparables #5, #6 and #10 along with board of review comparables #2, #3 and #4.

The Property Tax Appeal Board finds the best evidence of market value to be appellants' comparable sales #1, #2, #4 and #7. These comparables have varying degrees of similarity to the subject property. These most similar comparables sold between June 2011 and April 2012 for prices ranging from \$185,000 to \$207,000 or from \$55.85 to \$73.90 per square foot of living area, including land. The subject's assessment reflects a market value of \$242,923 or \$77.44 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellants' request 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.