



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

APPELLANT: Jimmie Maxson
DOCKET NO.: 13-00672.001-R-1
PARCEL NO.: 23-15-08-302-034-0000

The parties of record before the Property Tax Appeal Board are Jimmie Maxson, 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 **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: \$12,153
IMPR.: \$68,400
TOTAL: \$80,553

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 single-family dwelling of brick exterior construction with 3,149 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full unfinished walkout-style basement, central air conditioning, a fireplace and an attached three-car garage of 635 square feet of building area. The property is located in Crete, Crete 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 located from 20 feet to 2-miles from the subject property. The comparables consist of two-story brick and frame dwellings that were 7 to 9 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 707 square feet of building area. The properties sold between May

2010 and April 2012 for prices ranging from \$186,000 to \$207,000 or from \$55.85 to \$73.90 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$67,028 which would reflect a market value of approximately \$201,084 or \$63.86 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 \$80,553. The subject's assessment reflects a market value of \$242,703 or \$77.07 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 originally a model home and was purchased by the appellant in September 2012 for \$257,500.

As to appellant's comparable sales #1, #2 and #3, the assessor contends these properties sold via Special Warranty Deed and were bank REO properties making them invalid sales; appellant's comparable #4 was marked by the County "as a bad sale"; and comparable #5 is invalid due to the home being purchased from the bank.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located within the subject's subdivision. The comparables consist of two-story brick and frame dwellings that were built between 2002 and 2006. The homes range in size from 2,279 to 3,477 square feet of living area. Each home features an unfinished basement, two of which are walkout-style, central air conditioning, a fireplace and a garage ranging in size from 489 to 701 square feet of building area. Comparable #3 also has an in-ground pool. The properties sold between June 2010 and January 2012 for prices ranging from \$160,000 to \$205,000 or from \$56.66 to \$89.95 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.

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 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 nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #2, #3 and #4 along with board of review comparables #2 and #4 as these sales 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.

The Board finds the best evidence of market value to be the September 2012 purchase of the subject property by the appellant for \$257,500 along with appellant's comparable sales #1 and #4 and board of review comparable sales #1 and #3. These four comparables had varying degrees of similarity to the subject and sold between September 2011 and April 2012 for prices ranging from \$160,000 to \$207,000 or from \$55.85 to \$73.90 per square foot of living area, including land and the subject sold in September 2012 for \$257,500 or \$81.77 per square foot of living area, including land. The subject's assessment reflects a market value of \$242,703 or \$77.07 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and below the subject's recent purchase price that occurred approximately three months prior to the assessment date at issue of January 1, 2013. 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.