



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

APPELLANT: Patricia Hopkins  
DOCKET NO.: 14-00374.001-R-1  
PARCEL NO.: 21-14-13-212-031-0000

The parties of record before the Property Tax Appeal Board are Patricia Hopkins, the appellant,<sup>1</sup> 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:** \$7,974  
**IMPR.:** \$25,273  
**TOTAL:** \$33,247

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 2014 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 part two-story and part one-story dwelling of frame and brick exterior construction with 2,094 square feet of living area. The dwelling was constructed in 2006. Features of the home include an unfinished basement, central air conditioning,<sup>2</sup> a fireplace and an attached two-car garage of 475 square feet of building area. The property has a 13,604 square foot site and is located in University Park, Monee Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on May 24, 2013 for a price of \$99,750. In further support, the appellant through counsel completed portions of Section IV –

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

<sup>2</sup> The appellant reported the dwelling did not have air conditioning in an amended filing made by former counsel, but the assessing officials report the dwelling has this feature and the appellant initially reported the home has air conditioning.

Recent Sale Data reporting that the property was purchased from Deutsche Bank, the parties to the transaction were not related and that a Realtor was involved in the sale with property having been advertised with the Multiple Listing Service (MLS) for a period of 33 days. A copy of the Settlement Statement and the MLS data sheet were also provided along with the Listing & Property History Report which indicated the property was first listed on March 19, 2013 prior to being sold. 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 \$47,129. The subject's assessment reflects a market value of \$141,827 or \$67.73 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Will County of 33.23% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data prepared by the Monee Township Assessor. The assessor contends that the sale of the subject property involved a Special Warranty Deed and was a Bank REO (real estate owned). Exhibit #1 is a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which also indicates that the property was advertised prior to the sale transaction.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located in Reigel Farm, an unknown distance from the subject property located in Regent Park. The comparables consist of two-story or part two-story and part one-story frame dwellings that were 9 to 14 years old. The homes range in size from 1,991 to 2,412 square feet of living area and feature unfinished basements, central air conditioning, one or two fireplaces and a garage ranging in size from 416 to 534 square feet of building area. The properties sold between January 2013 and June 2013 for prices ranging from \$132,870 to \$139,900 or from \$58.00 to \$69.26 per square foot of living area, including land.

In addition, the township assessor prepared equity evidence which will not be further addressed in this decision as it is not responsive to the appellant's overvaluation argument.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, former counsel for the appellant argued that the subject property was purchased after being exposed on the open market for 33 days and reflects the best evidence of the subject's market value. In the absence of evidence from the board of review that the sale price was not reflective of market value, the subject's sale should be deemed conclusive.

### **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 best evidence of market value to be the purchase of the subject property in May, 2013 for a price of \$99,750. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with a Multiple Listing Service and it had been on the market for 33 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement and the Multiple Listing Service data sheet. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration as its Exhibit #1 which indicated that the property was advertised prior to the sale transaction and it reiterated the date of sale and sale price. The Board finds the purchase price of \$99,750 is below the market value reflected by the assessment of \$141,827.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Given the foregoing case law, the Board has given little weight to the comparable sales submitted by the board of review as these comparables were located an unknown distance from the subject property and do not overcome the evidence related to the recent sale of the subject property.

The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property is overvalued based on its assessment and a reduction in the subject's assessment commensurate with the appellant's request is 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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Member



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Acting 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: September 23, 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.