



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

APPELLANT: Bradley C. Nathan Jr.
DOCKET NO.: 14-00971.001-R-1
PARCEL NO.: 23-15-02-101-004-0000

The parties of record before the Property Tax Appeal Board are Bradley C. Nathan Jr., 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 **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: \$8,492
IMPR.: \$16,431
TOTAL: \$24,923

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 two-story dwelling of brick and stucco construction with 2,462 square feet of living area. The dwelling was constructed in 1976. Features of the home include a full basement with finished area, central air conditioning, a fireplace and an attached 455 square foot garage. The property has an 11,372 square foot site and is located in Crete, Crete 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 January 18, 2013 for a price of \$75,000. The appellant completed Section IV – Recent Sale Data of the appeal petition reported that the property was purchased from US Bank, the parties were not related and a realtor was involved in the transaction with the property having been advertised with the Multiple Listing Service for 35 days. In further support a copy of the Settlement Statement reiterating the

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

purchase price and sale date were submitted; the document also reflected the division of brokers' fees among two parties. A copy of the Multiple Listing Service data sheet reflected an original listing price of \$84,900. 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 \$57,078. The subject's assessment reflects a market value of \$171,766 or \$69.77 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 Crete Township Assessor's Office. The assessor reported that the subject's February 2013 purchase price occurred after an August 2012 Sheriff's Deed; the 2013 assessment was reduced to the purchase price "for one year only." For 2014, the assessor raised the assessment based on area sales. When the owner brought in evidence showing extensive damage to the basement due to water and mold, a certificate of error removed the finished basement value from the property resulting in a final total assessment of \$52,475.² This revised final assessment reflects a market value of \$157,915 or \$64.14 per square foot of living area, land included, using the 2014 three year average median level of assessment.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on seven comparable sales located in the same subdivision as the subject. The comparables consist of two-story frame and brick dwellings that were built between 1976 and 2006. The homes range in size from 2,140 to 2,565 square feet of living area with the homes having full or partial basements. Each has central air conditioning, six comparables have a fireplace and each has a garage. The properties sold between January 2014 and October 2014 for prices ranging from \$117,000 to \$186,000 or from \$52.19 to \$72.51 per square foot of living area, including land.

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

In written rebuttal, former counsel for the appellant contended that the subject property was purchased after being exposed on the open market for 35 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

² The Property Tax Appeal Board takes notice that the Attorney General of the State of Illinois has asserted that a county board of review may not alter an assessment once its decision has been properly appealed to the Property Tax Appeal Board, nor may it alter an assessment by certificate of error or by any other procedure after the Property Tax Appeal Board has rendered its decision. 1977 Ill.Atty.Gen.Op. 188 (October 24, 1977), 1977 WL 19157 (Ill.A.G.).

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 January, 2013 for a price of \$75,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed 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 the Multiple Listing Service and it had been on the market for 35 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement and the listing sheet. The Board finds the subject's purchase price of \$75,000 is below the market value reflected by the assessment, with a market value of \$171,766 or \$69.77 per square foot of living area, land included, and is also below the market value reflected by the Certificate of Error reflecting a reduced assessment of \$52,475 or a market value of \$157,915 or \$64.14 per square foot of living area, land included.

Additionally, the Property Tax Appeal Board finds on this record that the board of review did not present any evidence to challenge the arm's length nature of the sale transaction or to refute the contention that the purchase price was reflective of market value. The assessor reported that the sale price occurred after an August 2012 Sheriff's Deed, but did not question the arm's length nature of the January 2013 sale price.

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.

Based on this record the Board finds the subject property had a market value of \$75,000 as of January 1, 2014. Since market value has been determined the 2014 three year average median level of assessment for Will County of 33.23% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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



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



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.