



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

APPELLANT: Steven Sucic
DOCKET NO.: 14-01034.001-R-1
PARCEL NO.: 21-14-01-106-040-0000

The parties of record before the Property Tax Appeal Board are Steven Sucic, 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: \$5,396
IMPR.: \$10,554
TOTAL: \$15,950

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 one-story dwelling of frame construction with 1,092 square feet of living area. The dwelling was constructed in 1954. Features of the home include a concrete slab foundation and a 280 square foot detached garage. The property has a 7,718 square foot site and is located in Park Forest, Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on the recent purchase price of the subject property and also on seven comparable sales, where itemized comparable #1 was the subject property, to assert that the subject property was overvalued based on its assessment.

As to the sale of the subject, the appellant submitted evidence disclosing the subject property was purchased on August 1, 2012 for a price of \$48,000. The appellant completed Section IV –

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

Recent Sale Data reporting the property was sold by Bradley Higgins, the parties were not related, and a Realtor was involved with a listing on the Multiple Listing Service for a period of 78 days. In further support a copy of the Settlement Statement was submitted; the document reflected the payment of two brokers' fees. The Multiple Listing Service data sheet for the property also set forth that the property was available for conventional financing with an original asking price of \$59,990 which had been reduced to \$53,990 prior to the sale transaction.

As to comparable sales, the appellant submitted a limited analysis of seven properties where comparable #1 was the subject property. The comparables were described as one-story homes located within .81 of a mile of the subject property. The homes were built between 1953 and 1956 and contain 1,092 square feet of living area with concrete slab foundations. Two of the comparables have central air conditioning and five of the comparables have a garage ranging in size from 240 to 440 square feet of building area. The properties sold between August 2012 and December 2013 for prices ranging from \$18,750 to \$31,000 or from \$17.17 to \$28.39 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a market value of approximately \$24,119.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,395. The subject's assessment reflects a market value of \$67,394 or \$61.72 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 prepared by the Monee Township Assessor's Office. The assessor contends that the sales presented by the appellant were Special Warranty Deed, Bank REO and/or situations where the seller/buyer was a financial institution.² The assessor contends "these sales are not market sales and were not solely used by the Assessor to determine the value for the subject property." Additionally, the assessor contends that the "condition" of some of these comparable sales presented by the appellant would not be comparable to the subject as foreclosures, "sold as is" and/or had a driveway encroachment issue. The assessor also noted that comparable #2 was "recently" in 2015 on the market with an asking price of \$50,000.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales of one-story frame dwellings that were built between 1952 and 1954. The homes range in size from 1,092 to 1,585 square feet of living area. One of the comparables has an 89 square foot basement and two of the comparables have central air conditioning. Each comparable has a garage ranging in size from 320 to 520 square feet of building area. The properties sold between July 2013 and June 2014 for prices ranging

² The assessor purportedly included a copy of the appellant's comparable sales grid, however, this is not the same evidentiary document that was presented to the Property Tax Appeal Board. The assessor's copy has only six comparable sales where comparable #1 is the subject property. Therefore, the Board finds that much of the assessor's analysis is inapplicable to the appellant's evidence submitted before the Property Tax Appeal Board. For purposes of this decision, the contentions have been generally summarized.

from \$68,000 to \$111,161 or from \$48.96 to \$101.80 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, former counsel for the appellant argued that the recent sale price and applicable case law indicate that the sale of the subject in 2011 is the best evidence of its market value. To the extent that some of the comparable sales presented by the appellant were compulsory sales, counsel argued that the Property Tax Code provides for consideration of such compulsory sales if the properties have the same characteristics and condition as the subject property. In rebuttal to the board of review's comparable sales, former counsel provided the Redfin listings of two of the board of review's properties and noted that there is no indication that board of review comparable #1 was advertised prior to the sale transaction indicating that it should not be considered indicative of market value (see copy of PTAX-203 – not advertised prior to sale).

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 parties submitted evidence of the 2012 sale of the subject along with a total of ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given somewhat reduced weight to the 2012 sale of the subject property as the sale is slightly remote in time to the valuation date of January 1, 2014, however, the Board finds that this sale price should be considered along with the additional appropriate sales evidence in the record. As to the appellant's comparable sales, no consideration has been given by the Board to comparable #1 which is a duplicate of the subject property. The Board has also given reduced weight to board of review comparable sale #1 as the rebuttal evidence indicated that the property was not advertised prior to the sale transaction and reduced weight has been given to board of review comparable #3 as the dwelling is substantially larger than the subject.

The Board finds the best evidence of market value to be the 2012 purchase price of the subject property along with consideration of appellant's comparable sales #2 through #8 and board of review comparable sale #2. These properties all sold between August 2012 and June 2014 for prices ranging from \$18,750 to \$68,000 or from \$17.17 to \$48.96 per square foot of living area, including land. The subject's assessment reflects a market value of \$67,394 or \$61.72 per square foot of living area, including land, which is above the range established by the best comparable sales in this record on a per-square-foot basis and also is above the 2012 purchase price of the subject property. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's assessment is

excessive based on the best sales evidence contained in the record. Based on this market value evidence the Board finds a reduction in the subject's assessment 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



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:

October 21, 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.