



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

APPELLANT: John Zinsmeister
DOCKET NO.: 14-01041.001-R-1
PARCEL NO.: 21-14-01-105-002-0000

The parties of record before the Property Tax Appeal Board are John Zinsmeister, 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.: \$2,062
TOTAL: \$7,458

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 approximately 1,092 square feet of living area.² The dwelling was constructed in 1954. Features of the home include a concrete slab foundation, central air conditioning and a 320 square foot garage. The property 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 eight comparable sales located within .47 of a mile of the subject property. The comparables consist of one-story dwellings with concrete slab foundations. Seven of the comparables have central air conditioning and each has a garage

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

² In the memorandum from the Monee Township Assessor, the assessor reported the subject dwelling is "between 1,092 – 1,140 square feet."

ranging in size from 240 to 480 square feet of building area. The comparables sold between February 2013 and May 2014 for prices ranging from \$15,000 to \$31,000 or from \$13.74 to \$28.39 per square foot of living area, including land. Based on this evidence, the appellant requested a total assessment of \$7,458 which would reflect a market value of approximately \$22,374 or \$20.49 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 \$23,111. The subject's assessment reflects a market value of \$69,549 or \$63.69 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's Office. The assessor noted that each of the sales presented by the appellant were Bank REO (real estate owned), Judicial, Special Warranty Deed or transactions where the seller/buyer is a financial institution or government agency. In addition to various remarks in the supporting documentation, the assessor noted that appellant's comparable #1 had driveway/garage encroachment issues and comparable #7 recently was on the market in September 2015 for \$50,000.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four equity comparables, one of which sold and which is appellant's comparable sale #3 along with a separate grid of four comparable sales. These four comparable sales consist of one-story frame dwellings that were built between 1952 and 1957. The homes contain either 1,092 or 1,389 square feet of living area. Comparable #4 has an 89 square foot basement as set forth on the grid. Three of the comparables have central air conditioning and each has a garage ranging in size from 280 to 520 square feet of building area. The properties sold between June 2012 and June 2014 for prices ranging 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 noted that while the appellant's comparable sales evidence may consist of compulsory sales, the Property Tax Code calls for consideration of compulsory sales for revising and correcting assessments if the properties have the same characteristics and conditions. (Citing 35 ILCS 200/16-55(b) and 35 ILCS 200/16-183). Counsel also noted that the four equity comparables were not responsive to the appellant's overvaluation argument.

As to board of review comparable sales #2 and #3, the appellant's former counsel reported that these properties were renovated prior to sale according to the listings and comparable #1 from the board of review "does not appear to have been listed on the MLS." As to the re-listing of appellant's comparable #7, the appellant provided a copy of the listing sheet which indicated that the property has recently been rehabbed and the listing was 22 months after the assessment date at issue.

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 Property Tax Appeal Board takes judicial notice of Section 1-23 of the 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.

In addition, 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 appropriate to consider the appellant's comparable sales despite the assertion that they were compulsory sales.

The parties submitted a total of twelve comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #4 which is larger than the subject and has some type of a basement which is a not a feature of the subject dwelling. The Board has also given reduced weight to board of review comparable #1 based on the appellant's rebuttal evidence that the property was not advertised prior to the sale transaction; the board of review did not submit any evidence to indicate that the sale was an arm's length transaction. The Board has also given reduced weight to board of review comparable sales #2 and #3 as the sales occurred in 2012, dates remote in time to the valuation date at issue of January 1, 2014.

The Board finds the best evidence of market value to be the appellant's comparable sales. These most similar comparables had varying degrees of similarity to the subject property. These comparables sold between February 2013 and May 2014 for prices ranging from \$15,000 to \$31,000 or from \$13.74 to \$28.39 per square foot of living area, including land. The subject's assessment reflects a market value of \$69,549 or \$63.69 per square foot of living area, including land, which is above the range established by the best comparable sales in this record both in

terms of overall value and on a per-square-foot basis. Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellant's 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



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.