



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

APPELLANT: Gary Moberly
DOCKET NO.: 14-01048.001-R-1
PARCEL NO.: 21-14-13-219-018-0000

The parties of record before the Property Tax Appeal Board are Gary Moberly, 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: \$4,441
IMPR.: \$27,600
TOTAL: \$32,041

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 is improved with a split-level style single family dwelling of frame construction with 1,816 square feet of living area. The dwelling was constructed in 1979. Features of the home include a basement, central air conditioning and an integral garage. The property is located in University Park, Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on seven comparable sales improved with split-level style dwellings that ranged in size from 1,660 to 2,160 square feet of living area. The dwellings were constructed from 1970 to 1975. Each comparable had a full basement, central air conditioning and a garage ranging in size from 360 to 620 square feet of building area. The sales occurred from February 2013 to June 2014 for prices ranging from \$15,974 to \$57,000 or from \$7.74 to \$27.32 per square foot of living area, including land. The appellant's analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices

ranging from \$15,526 to \$49,414. Based on this evidence the appellant requested the subject's assessment be reduced to \$10,467 to reflect a market value of \$31,404.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$32,041. The subject's assessment reflects a market value of \$93,413 or \$51.44 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 support of its contention of the correct assessment the board of review submitted information provided by the Monee Township Assessor which included comparable sales and rebuttal statements regarding the appellant's comparable sales.

In rebuttal the township assessor asserted that each of the appellant's sales, "were Seller/Buyer is a financial institution or government agency, Bank REO, and/or Special Warranty deed." The assessor stated that appellant's comparable #1 sold as is, utilities were not activated and mold was reported; appellant's comparable #2 was an investment property needing work that sold in December 2014 for a price of \$132,000; appellant's comparable sale #3 was approved for Homepath renovation and sold in June 2014 for \$128,000; appellant's comparable sale #4 sold via on-line auction; appellant's sale #5 was approved for Homepath renovation; appellant's comparable sale #6 sold "as is" and the buyer was responsible for paying for a city inspection and repairs; and appellant's sale #7 was approved for Homepath renovation. In support of these statements the assessor provided copies of the PTAX-203 Illinois Real Estate Transfer Declarations for each of the appellant's sales and the Multiple Listing Service listing for each sale.

In support of the assessment the assessor identified three comparable sales improved with two split-level style dwellings and one part split-level and part one-story style dwelling that ranged in size from 1,660 to 1,913 square feet of living area. The dwellings were either 39 or 44 years old. Each comparable had a basement, central air conditioning and a garage ranging in size from 360 to 462 square feet of building area. One comparable also had a fireplace. The sales occurred from May 2013 to May 2014 for prices ranging from \$95,900 to \$119,000 or from \$50.13 to \$70.78 per square foot of living area, including land.

The assessor also submitted information on three equity comparables to demonstrate the subject property was being equitably assessed.

The board of review requested no change be made to the subject's assessment.

In rebuttal the appellant acknowledged that some of the comparables were foreclosures but noted in part that section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides that the Property Tax Appeal Board is to 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 if the properties have the same characteristic and condition as when the assessed values were established. The appellant also asserted that two of the board of review comparables were renovated 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains information on ten sales provided by the parties. The evidence in the record disclosed the appellant's sales were bank owned and/or foreclosures. Section 1-23 of the Code 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 appropriate to consider these sales in revising and correcting the subject's assessment.

The sales provided by the parties had varying degrees of similarity to the subject property. The appellant's sales, which appear to each have elements of being distressed or compulsory sales as well as having condition issues, set the low end of the range. The fact that these properties had condition issues was supported by the evidence provided by the board of review that appellant's sales #2 and #3 resold during 2014 for prices of \$132,000 and \$128,000, significantly above the prices reported by the appellant of \$30,200 for each property. The sales identified by the township assessor appear to be arm's length transactions reflective of fair cash value and set the upper end of the range. The Board gives most weight to the sales provided by the board of review as these comparables appear to be most similar to the subject in condition and appear to be more representative of market absent any compulsion or duress. These comparables sold for prices ranging from \$95,900 to \$119,000 or from \$50.13 to \$70.78 per square foot of living area, including land. The subject's assessment reflects a market value of \$93,413 or \$51.44 per square foot of living area, including land, which is within the range established by the best comparable sales in this record on a square foot basis. 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: July 22, 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.