



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

APPELLANT: Karen & Donald Hohbach
DOCKET NO.: 14-01052.001-R-1
PARCEL NO.: 21-14-02-217-009-0000

The parties of record before the Property Tax Appeal Board are Karen and Donald Hohbach, the appellants; 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: \$5,396
IMPR.: \$17,095
TOTAL: \$22,491

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 one-story dwelling of frame construction with 1,092 square feet of living area. The dwelling was constructed in 1953. Features of the property include a slab foundation and a detached garage with 352 square feet of building area. The property is located in Park Forest, Monee Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on eight comparable sales improved with one-story dwellings each with 1,092 square feet of living area. The dwellings were constructed from 1953 to 1956. Each comparable has a slab foundation, three comparables each have one fireplace and six comparables have garages ranging in size from 240 to 440 square feet of building area. The comparables sold from May 2013 to March 2014 for prices ranging from \$18,750 to \$31,000 or from \$17.17 to \$28.39 per square foot of living area, including land. The appellants' analysis included adjustments to the comparables for differences from the subject resulting in adjusted

prices ranging from \$19,023 to \$31,470. Based on this evidence the appellants requested the subject's assessment be reduced to \$7,994.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,491. The subject's assessment reflects a market value of \$67,683 or \$61.98 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 rebuttal the board of review provided information and a statement from the Monee Township Assessor asserting that each of the appellant's comparable sales was a foreclosure. The assessor stated that appellants' sale #1 was HUD owned, sold "as is" and is currently listed for \$50,000; appellants' comparable sale #2 was a HUD sale; appellants' sale #3 was HUD owned and sold "as is"; appellants' sale #4 indicated the buyer was responsible for any and all repairs; appellants' comparable sale #5 sold "as is" with the buyer being responsible for driveway/garage encroachment issues; appellants' comparable sale #6 sold "as is"; appellants' comparable #7 sale sold "as is" and the buyer assumed responsibility for all repairs; and appellants' comparable #8 was a Fannie Mae Homepath property and was REO/Lender owned. In support of these statements the assessor provided copies of the PTAX-203 Illinois Real Estate Transfer Declarations and copies of the Multiple Listing Service (MLS) listings for the appellants' comparables.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales identified by the township assessor. The comparables were improved with one-story dwellings of frame construction each with 1,092 square feet of living area. The dwellings were constructed from 1953 to 1956 and ranged in age from 57 to 62 years old. Each comparable has a slab foundation, two comparables have central air conditioning and each comparable has a detached garage ranging in size from 280 to 320 square feet of building area. The sales occurred from June 2012 to March 2014 for prices ranging from \$72,000 to \$111,161 or from \$65.93 to \$101.80 per square foot of living area, including land.

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

Based on this evidence the board of review requested the assessment of the subject property remain unchanged.

In rebuttal the appellants asserted that some of the comparables may be foreclosures but noted that Section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides in part that 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.

The appellants also indicated that board of review sale #1 did not appear to have been listed on the MLS; board of review sales #2 and #3 are 2012 sales and appear to have been rehabbed prior to sale.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains eleven comparable sales submitted by the parties to support their respective positions. The Board finds the appellants' comparables sales may be either short sales 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 Board finds the comparable sales provided by the appellants were short sales, foreclosures, sold by a financial institution or government agency, were a bank REO and/or had condition issues. The Board questions whether these comparable sales are reflective of the subject property in physical condition or whether the sale prices are reflective of fair cash value. These sales set the low end of the range of all sales in the record. The three sales provided by the board of review sold in 2012 and 2013 and set the upper limit of the range of the sales prices of the comparables in this record. The comparable sales submitted by the parties sold for prices ranging from \$17.17 to \$101.80 per square foot of living area, including land. The subject's assessment reflects a market value of \$61.98 per square foot of living area, including land, which is within the range established by the comparable sales in this record. 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



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: August 19, 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.