



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

APPELLANT: Linda Seay
DOCKET NO.: 14-01129.001-R-1
PARCEL NO.: 11-04-05-217-086-1004

The parties of record before the Property Tax Appeal Board are Linda Seay, 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: \$ 9,122
IMPR.: \$28,852
TOTAL: \$37,974

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 townhome of frame exterior construction that has 1,883 square feet of living area. The dwelling was built in 2000. Features include a concrete slab foundation, central air conditioning, a fireplace and a 391square foot garage. The subject property is located in Lockport Township, Will County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the sale of the subject property. The appellant completed Section IV of the residential appeal petition showing the subject property sold for \$90,000 in January 2012. The appeal petition indicates the sale was not between family or related corporations and the property was advertised for sale through the Multiple Listing Service. The appellant submitted a copy of the settlement statement, Multiple Listing Service sheet and listing history associated with the

sale of the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect its sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$37,974 was disclosed. The subject's assessment reflects an estimated market value of \$114,276 or \$60.69 per square foot of living area when applying Will County's 2014 three-year average median level of assessment of 33.23%.

In support of the subject's assessment, the board of review submitted four comparable sales located in the Malibu Bay neighborhood like the subject. The comparables consist of two-story townhomes of frame exterior construction that were built in 2000 or 2001. Features were similar when compared to the subject. The dwellings range in size from 1,762 to 1,919 square feet of living area. They sold in August 2012 or September 2013 for prices ranging from \$116,000 to \$170,000 or from \$61.93 to \$88.59 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued the proximity of the board of review's comparables was not disclosed as required by section 1910.63(c) of the Board's rules. (86 Ill.Admin.Code §1910.63(c)). The appellants also argued the subject's 2014 assessment should not have been changed by the township assessor since it is owner occupied pursuant to section 16-80 of the Property Tax Code, which provides:

In any county with fewer than 3,000,000 inhabitants, if the board of review lowers the assessment of a particular parcel on which a residence occupied by the owner is situated, the reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless the taxpayer, county assessor, or other interested party can show substantial cause why the reduced assessment should not remain in effect, or unless the decision of the board is reversed or modified upon review.

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.

The appellant submitted evidence showing the subject property sold in January 2012 for \$90,000. The Board gave less weight to this evidence due to the fact the subject's sale occurred almost two years prior to the subject's January 1, 2014 assessment date.

The Board of review submitted four comparable sales. The Board gave less weight to comparable #4 due to its 2012 sale date, which is not indicative of market value as of the subject's January 1, 2014 assessment. The Board finds the remaining three comparables are most similar when compared to the subject in location, design, age, size, features and sold more

proximate in time to the subject's January 1, 2014 assessment date. They sold in September 2013 for prices ranging from \$128,100 to \$170,000 or from \$71.97 to \$88.59 per square foot of living area. The subject's assessment reflects an estimated market value \$114,276 or \$60.69 per square foot of living area, which falls well below the range established by the most similar comparable sales contained in this record on an overall basis and per square foot basis. After considering any necessary adjustments to the comparables for any differences when compared to the subject, the Board finds the subject property appears to be under-assessed. Therefore, no reduction in the subject's assessment is warranted.

As pointed by the appellant, the board of review reduced the subject's assessment to \$29,997 for the 2013 tax year to reflect the subject's sale price. The Board finds section 16-80 of the Property Tax Code provides:

In any county with fewer than 3,000,000 inhabitants, if the board of review lowers the assessment of a particular parcel on which a residence occupied by the owner is situated, the reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless the taxpayer, county assessor, or other interested party can show substantial cause why the reduced assessment should not remain in effect, or unless the decision of the board is reversed or modified upon review. (35 ILCS 200/16-80).

The Board finds the county assessor¹ showed substantial cause as to why the reduced assessment should not remain in effect. First, as noted above, the subject's sale predates the assessment date by almost two years. Second, the preponderance of the credible comparable sales evidence submitted on behalf of the board of review not only show the subject's 2012 sales price in not reflective of market value but also demonstrates the subject's assessed value is conservative in relation to market value. Thus, the Board finds it appropriate that the subject's assessment was modified upon review.

¹ The county assessor is the Clerk of the Board of Review.

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: March 24, 2017



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.