



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

APPELLANT: Gerardo & Rita Ochoa
DOCKET NO.: 14-01142.001-R-1
PARCEL NO.: 30-07-15-410-001-0000

The parties of record before the Property Tax Appeal Board are Gerardo & Rita Ochoa, 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 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: \$4,300
IMPR.: \$6,367
TOTAL: \$10,667

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 part 1.5-story and part 1-story dwelling of frame construction with 1,756 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full unfinished basement. The property has an 8,276 square foot site and is located in Joliet, Joliet Township, Will County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased in July 2013 for a price of \$32,000. The appellants indicated on the appeal the parties to the transaction were not related, the property was sold through a Realtor, the property was advertised for sale in the Multiple Listing Service (MLS) and the property was on the market for 35 days. The appellants also submitted a copy of the MLS listing and a copy of the subject's Listing and Property History Report. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,050. The subject's assessment reflects a market value of \$57,327 or \$32.65 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 on three comparable sales identified by the township assessor that were improved with 1.5-story dwellings that had either 1,098 or 1,224 square feet of living area. The dwellings ranged in age from 100 to 135 years old. Each comparable has a basement and two comparables have a garage with 360 and 484 square feet of building area, respectively. The sales occurred from March 2014 to July 2014 for prices of \$39,000 and \$45,000 or from \$31.86 to \$40.98 per square foot of living area, including land.

The board of submission included a copy of the PTAX-203 Illinois Real Estate Transfer Declaration for the subject property indicating the subject property was advertised for sale. The board of review submission also included copies of the PTAX-203 Illinois Real Estate Transfer Declarations associated with the sales identified by the township assessor. The transfer declarations indicated board of review sale #1 was not advertised for sale and board of review sale #2 was reported to be a short sale.

The board of review requested the assessed value be sustained.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in July 2013 for a price of \$32,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market in the MLS and it had been on the market for 35 days. In further support of the transaction the appellants submitted a copy of settlement statement and the board of review provided a copy of the subject's PTAX-203 Illinois Real Estate Transfer Declaration indicating the sale had the elements of an arm's length transaction. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Although the board of review provided three comparable sales this evidence did not refute the fact the subject property sold after being exposed on the open market

for 35 days in a transaction involving unrelated parties. Based on this record 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: 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.