



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

APPELLANT: Alex Fenske
DOCKET NO.: 14-03768.001-R-1
PARCEL NO.: 21-14-02-211-015-0000

The parties of record before the Property Tax Appeal Board are Alex Fenske, the appellant, by attorney Mary Anne Phelan, of Much Shelist, in Chicago, 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.: \$12,937
TOTAL: \$18,333

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2013 tax year decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 1,092 square feet of living area. The dwelling was constructed in 1956. Features of the home include a concrete slab foundation and central air conditioning. The property has a .1695-acre site and is located in Park Forest, Monee Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted a copy of an appraisal of the subject property prepared for a purchase transaction reflecting the entire purchase price of \$575,000, but with an estimated market value of \$55,000 as of December 3, 2012 for the subject property.

The appraiser prepared both the cost and sales comparison approaches to value. In the cost approach, the appraiser concluded a value of \$68,500 for the subject. In the sales comparison approach, the appraiser analyzed three sales of one-story frame and masonry dwellings that were

located within .39 of a mile from the subject. The dwellings were similar in age, foundation and central air conditioning feature to the subject and contain either 1,092 or 1,444 square feet of living area. The properties sold between May and December 2012 for prices ranging from \$50,000 to \$70,000 or from \$45.79 to \$64.10 per square foot of living area, including land. The appraiser made adjustments to the comparables for sale or financing concessions, lot size, condition, room count, dwelling size and/or other amenities resulting in adjusted sales prices ranging from \$53,500 to \$61,900. Under the sales comparison approach, the appraiser estimated the subject's market value to be \$55,000.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$23,350. The subject's assessment reflects a market value of \$70,268 or \$64.35 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 through its clerk reported that the subject property is not entitled to a "rollover" pursuant to Section 16-185 of the Property Tax Code as the subject is a rental dwelling and not owner-occupied (see 35 ILCS 200/16-185). Furthermore, in support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located in the subject's neighborhood in a grid analysis. The comparables consist of one-story frame dwellings that were built in 1954. The homes each contain 1,092 square feet of living area and feature concrete slab foundations. One comparable has central air conditioning and each has a garage of either 280 or 462 square feet of building area. The properties sold between November 2011 and August 2012 for prices ranging from \$48,000 to \$76,500 or from \$43.96 to \$70.05 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.

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 finds the best evidence of market value in the record to be the appellant's appraisal with an estimated market value for the subject as of December 3, 2012 of \$55,000. This value conclusion is further supported by the sales presented by the board of review which occurred in July and August 2012 for prices of \$48,000 and \$72,000, respectively, as each of these comparables is superior to the subject with air conditioning and/or a garage which are not features of the subject property. The Board has given reduced weight to board of

review sale #1 which occurred in November 2011, a date more remote in time to the valuation date at issue of the January 1, 2014.

The subject's assessment reflects a market value of \$70,268 or \$64.35 per square foot of living area, including land, which is above the appraised value and also above the two best comparable sales in the record presented by the board of review when giving due consideration to the subject's inferior qualities in comparison to these properties. Based on this record the Board finds the subject's assessment is not reflective of market value and 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.