



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

APPELLANT: Jean Montas
DOCKET NO.: 14-03880.001-R-1
PARCEL NO.: 21-14-12-403-003-0000

The parties of record before the Property Tax Appeal Board are Jean Montas, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$4,489
IMPR.: \$11,340
TOTAL: \$15,829

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2013 Final Administrative 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 masonry dwelling that has 1,361 square feet of living area. The dwelling was built in 1966. Features include a concrete slab foundation, central air conditioning, and a detached garage. The subject dwelling is situated on a .19 acre site. The subject property is located in Monee 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 and six comparable sales.

As to the sale of the subject, the appellant's appeal petition indicated the subject property sold in December 2012 for \$28,100 and the parties to the transaction were not related. The appellant submitted the Settlement Statement reiterating the purchase price and date of sale. This document also depicted two distributions of brokers' fees to Realty Executives Target. The

appellant also provided a copy of the Multiple Listing Service (MLS) sheet associated with the sale of the subject property which depicts that the subject property was listed for sale on the open market with a Realtor for 18 days. The MLS also depicts that the property sold "as is" and the buyer was "to take on city repairs & put up escrow if required." The asking price was reported as \$27,250 and reflected that the property sold for \$28,100.

The appellant also submitted information on six comparable sales located within .69 of a mile of the subject property. The comparables consist of one-story dwellings that were built in 1965 or 1970. The homes range in size from 1,120 to 1,600 square feet of living area and feature slab foundations. Five of the comparables also have central air conditioning, one comparable has a fireplace and each of the comparables have garages ranging in size from 340 to 576 square feet of building area. The comparables sold between January 2013 and October 2014 for prices ranging from \$7,000 to \$59,000 or from \$4.70 to \$36.88 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$7,377 which would reflect a market value of approximately \$22,133.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,356. The subject's assessment reflects a market value of \$76,305 or \$56.07 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 submitted a memorandum from Sandra Heard, Monee Township Assessor, along with supporting documentation. The assessor noted that the subject is not an owner-occupied dwelling which does not qualify for a "rollover" from the 2013 decision of the Property Tax Appeal Board. The assessor further argued that the appellant's comparable sales #1, #2, #3, #4 and #6 were bank REO, Special Warranty Deed and/or buyer/seller is financial institution or government agency transactions. As such, the assessor argued "these are not market sales and was not solely considered by the Assessor when determining the value for the subject property." The assessor described the sale prices as "low due to the nature of these sales." Each of the PTAX-203 Illinois Real Estate Transfer Declarations were provided for the appellant's sales.

Next, the assessor acknowledged that compulsory sales continue to affect the value of homes in the subject's neighborhood. Having considered both compulsory and market sales, the assessor has reduced assessments over four years consecutively in the past for most of the township at a rate of 31% or more and may continue to do so as the situation dictates.

In support of its contention of the correct assessment, the board of review through the assessor presented a grid analysis of three comparables. The comparables consist of one-story masonry dwellings that range in size from 1,227 to 1,264 square feet of living area. Two comparables have full basements, two comparables have central air conditioning and each has a garage ranging in size from 192 to 484 square feet of building area. The comparables sold between May 2014 and December 2015 for prices ranging from \$112,000 to \$120,000 or from \$89.96 to \$97.80 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.

In written rebuttal, counsel for the appellant acknowledged that some of the comparable sales presented may be compulsory sales, but argued that pursuant to provisions of the Property Tax Code the properties should be considered.

As to the sales presented by the board of review, according to the appellant, comparables #1 and #3 each have full basements. The appellant acknowledged that comparable #2 was an "acceptable comparable sale." Counsel further contended that appellant's six comparables along with board of review comparable #2 were the "best" comparables in the record and based on this data, a reduction in the subject's assessment is warranted. Counsel also argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Appellant further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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 record reflects the December 2012 sale of the subject property along with nine suggested comparable sales to support the parties' respective positions before the Property Tax Appeal Board. The Board has given little weight to board of review comparables #1 and #3 as each of these dwellings have full basements as compared to the subject's concrete slab foundation.

The Board finds the best evidence of market value to be consideration of the subject's December 2012 sale along with the appellant's comparable sales and board of review comparable sale #2. These seven comparable sales have varying degrees of similarity to the subject dwelling in age, size and/or location. These most similar comparables sold between January 2013 and October 2014 for prices ranging from \$7,000 to \$112,000 or from \$4.70 to \$89.96 per square foot of living area, including land. In addition, the subject property sold in December 2012 for \$28,100 or \$20.65 per square foot of living area, including land. The subject's assessment reflects a market value of \$76,305 or \$56.07 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears to be excessive when giving due consideration to all of these recent sales of similar properties. After considering adjustments for differences when compared to the subject, the Board finds a reduction in the subject's assessment is justified.

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.