



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

APPELLANT: Thomas McNamara
DOCKET NO.: 14-03896.001-R-1
PARCEL NO.: 05-06-23-204-024-0000

The parties of record before the Property Tax Appeal Board are Thomas McNamara, the appellant, by attorney Jessica Hill-Magiera 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 **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: \$8,740
IMPR.: \$26,900
TOTAL: \$35,640

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from an administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 1,310 square feet of living area. The dwelling was constructed in 1979. Features of the home include a slab foundation, central air conditioning and an attached garage with 480 square feet of building area. The property has a 7,135-square foot site and is located in Joliet, Troy Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information disclosing the subject property was purchased from U.S. Bank, National Association in September 2011 for a price of \$78,000. To document the sale the appellant provided a copy of the Multiple Listing Service (MLS) listing sheet, a copy of the subject's Listing and History Report and a copy of the closing statement.

The appellant also submitted a property tax analysis using five comparable sales. The name of the person(s) or the qualifications of the person(s) who prepared the analysis was not provided. The comparables were improved with one-story dwellings that ranged in size from 1,134 to 1,310 square feet of living area and were constructed from 1977 to 1979. Each comparable has a slab foundation, central air conditioning and a garage ranging in size from 288 to 480 square feet of building area. Two comparables each have one fireplace. The sales occurred from April 2013 to November 2013 for prices ranging from \$57,000 to \$91,500 or from \$43.51 to \$75.87 per square foot of living area, including land. The analysis included adjustments to the comparables for differences from the subject property to arrive at adjusted prices ranging from \$61,825 to \$96,496.

Based on this evidence the appellant requested the subject's assessment be reduced to \$30,177.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,640. The subject's assessment reflects a market value of \$107,252 or \$81.87 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 four comparable sales improved with one-story dwellings that had either 1,310 or 1,332 square feet of living area. The dwellings were constructed in 1977 and 1987. Each comparable has a slab foundation, central air conditioning and a garage with either 462 or 480 square feet of building area. One comparable has a fireplace. The sales occurred from September 2014 to December 2014 for prices ranging from \$100,000 to \$132,000 or from \$76.34 to \$100.76 per square foot of living area, including land. To document the sales the board of review provided a copy the property record card for each comparable and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration for each sale.

In rebuttal the board of review provided a statement asserting that appellant's comparable #1 was sold by a financial institution and the buyer was exercising an option to purchase. The board of review statement also noted that appellant's comparable #2 was sold by the Secretary of Housing and Urban Development (HUD).

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 and a reduction in the subject's assessment is not warranted.

With respect to the sale of the subject property, the transaction occurred in September 2011, more than two years prior to the assessment date at issue. The Board finds the subject's sale is not proximate in time to the assessment and, therefore, less likely to be indicative of the subject's fair cash value as of January 1, 2014.

The parties submitted nine sales in support of their respective arguments. The Board gave less weight to appellant's sales #1 and #2 as the evidence disclosed each comparable was sold by either a financial institution or a government agency, which calls into question the arm's length nature of the transactions and whether their respective purchase prices are indicative of fair cash value. The seven remaining sales submitted by the parties were similar to the subject property in style, size, age and features. These properties sold from April 2013 to December 2014 for prices ranging from \$80,000 to \$132,000 or from \$70.55 to \$100.76 per square foot of living area, including land. The subject's assessment reflects a market value of \$107,252 or \$81.87 per square foot of living area, including land, which is well supported by the best comparable sales in this record. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct and 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member

Member



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 20, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Thomas McNamara, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Will County Board of Review
Will County Office Building
302 N. Chicago Street
Joliet, IL 60432