



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

APPELLANT: Eugene Carter Gerretse
DOCKET NO.: 14-04014.001-R-1
PARCEL NO.: 19-09-07-303-046-1003

The parties of record before the Property Tax Appeal Board are Eugene Carter Gerretse, the appellant, by Nancy Pina, of the Law Office of Nancy Pina, in Broadview, 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:	\$494
IMPR.:	\$13,036
TOTAL:	\$13,530

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 is a residential condominium unit with 832 square feet of living area. The dwelling was constructed in 1980. Features of the condominium include central air conditioning and a fireplace. The property is located in Mokena, Frankfort Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales improved with condominium units that ranged in size from 773 to 1,037 square feet of living area. The comparables sold from October 2012 to October 2013 for prices ranging from \$28,500 to \$51,100 or from \$36.87 to \$49.72 per square foot of living area. The appellant's analysis contained adjustments to the comparables to arrive at an "equalized sale price" for each comparable that ranged from \$32,660 to \$47,437.

Based on this evidence the appellant requested the subject's assessment be reduced to reflect a market value of \$40,594 and an assessment of \$13,530.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,725. The subject's assessment reflects a market value of \$68,387 or \$82.20 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 and data gathered by Joseph N. Kral, Frankfort Township Assessor. The assessor asserted that the appellant submitted "4 REO's" and argued the comparables should be 'disqualified' due to the quality of the transaction.

In support of its contention of the correct assessment the board of review through the township assessor submitted a grid of two sales in Arrow Head Subdivision which reported occurred in July 2010 and November 2012; in the grid, the assessor reported only the sale price for the July 2010 sale of \$131,000.

In a second spreadsheet, the assessor provided the "house type," size, age (where stated), sale price and sale date for seven properties. No other identifying information for these properties was provided. Four of the dwellings have dates of construction of either 1970 or 1999. The dwellings range in size from 722 to 904 square feet of living area. The properties sold between February 2010 and August 2012 for prices ranging from \$77,500 to \$114,000.

As part of the board of review's submission, the board of review proposed to reduce the subject's total assessment to \$18,756. The appellant was informed of this proposed assessment reduction and rejected the offer.

In written rebuttal, counsel for the appellant acknowledged that appellant's sales were compulsory sales, but noted that the Property Tax Code calls for consideration of such sales (35 ILCS 200/16-183). As to the seven sales presented by the board of review, counsel argued the sales were too remote in time to be indicative of the subject's estimated market value as of January 1, 2014.

Also as part of the rebuttal, counsel contended that the best comparable sales are commonly considered those that sold within 1 year of the lien date. Counsel then contended that the best comparables in this record were the appellant's four sales¹ for the lien date in this matter of January 1, 2014. 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." Next, counsel further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value" which based on the appellant's sales would be \$48.06 per square foot of living area.

¹ The appellant's comparables sold between October 2012 and October 2013, where comparable #3 sold more than a year prior to January 1, 2014.

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 parties submitted a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the appellant's sale #3 and the board of review sales which occurred most remote in time to the assessment date at issue of January 1, 2014.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #4. These most similar comparables sold between May and October 2013 for prices ranging from \$37,900 to \$51,100 or from \$46.85 to \$49.72 per square foot of living area, including land. The subject's assessment reflects a market value of \$68,387 or \$82.20 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds 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.

Mario Abrice

Chairman

K. L. Fan

Member

Acting Member

Robert J. Steffen

Dane DeKinin

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: August 18, 2017

A. Portel

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.