



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

APPELLANT: John & Megan Froehner
DOCKET NO.: 15-00127.001-R-1
PARCEL NO.: 03-02-16-307-012

The parties of record before the Property Tax Appeal Board are John & Megan Froehner, the appellants; and the Kankakee 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 **Kankakee** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$12,449
IMPR.: \$60,921
TOTAL: \$73,370

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kankakee County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 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 part one-story and part two-story dwelling of frame exterior construction that has 1,992 square feet of living area.¹ The dwelling was built in 2004. Features include an unfinished basement, central air conditioning and a 670 square foot three-car garage. The subject has a 16,914 square foot site. The subject property is located in Manteno Township, Kankakee County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellants submitted an appraisal of the

¹ The appraisal submitted by the appellants had a building sketch depicting the subject dwelling contains 2,198 square feet of living area. The board of review submitted the subject's property record card that contained a building sketch showing a dwelling size of 1,992 square feet of living area. After reviewing the evidence, the Board finds the property record and building sketch submitted by the board of review was more detailed and better reflects the subject's dwelling size.

subject property. The appraisal was prepared for a purchase transaction. The appraiser developed the cost and sales comparison approaches to value in arriving at a final opinion of value of \$213,000 as of April 23, 2015. The report indicated the subject was listed for sale in the open market for \$239,900. Based on this evidence, the appellants 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" wherein the subject property's final assessment of \$77,623 was disclosed. The subject's assessment reflects an estimated market value of \$232,753 or \$116.84 per square foot of living area when applying Kankakee County's 2015 three-year average median level of assessment of 33.35%. In support of the subject's assessment, the board of review submitted a brief addressing the appeal, a letter of explanation from the township assessor (Exhibit C), a grid analysis of three comparable sales (Exhibit D) two of which were used by the appellants' appraiser, and property record cards for the subject and comparables (Group Exhibits D-1 through D-4).

In the letter from the assessor, she argued appraisal comparable #1 was a foreclosure. The assessor claimed comparable #2 was dissimilar to the subject in location and was a foreclosure that needed a complete mold rehab. Due to mold and standing water, the home was "red tagged" by the village as not fit for occupancy. The township assessor was in "amazement" that the subject sold for \$220,000² whereas the appraisal was for only \$213,000 and the appellants requested a reduction in the assessment to reflect a market value of \$217,522, "which is not the sale price or the appraised value."

The comparable sales submitted by the board of review had varying degrees of similarity when compared to the subject. They sold from June 2014 to March 2016 for prices ranging from \$198,000 to \$240,000 or from \$84.51 to \$110.75 per square foot of living area including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 record supports a reduction in the subject's assessment.

The record shows the subject property sold for \$220,000 in May 2015. After reviewing the Real Estate Transfer Declaration associated with the sale of the subject property, the Board finds the subject's sales meets the fundamental elements of an arm's-length transaction. The buyer and seller were not related and the subject property was exposed to the open market. Although the

² Pursuant to the Board's rule 1910.67(k)(3), the Kankakee County Board of Review was ordered to submit the Real Estate Transfer Declaration associated with the sale of the subject property for \$220,000 in May 2015. The document was timely received by the Board on June 22, 2017.

subject's secondary sale was a result of foreclosure, the Board finds the record is void of any direct evidence the parties were under duress or compelled to buy or sell. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Based on this record, the Board finds the subject's sale price of \$220,000 is the best evidence of market value contained in this record. The subject's assessment reflects an estimated market value of \$232,753, which is greater than the subject's recent arm's-length sale price.

The Board gave little weight to the appraisal submitted by the appellants' estimating the subject property had a market value of \$213,000. Based on the property record cards submitted by the board of review, the appellants' appraiser used an incorrect dwelling size for comparable #1. As pointed out by the assessor, comparable #2 was dissimilar to the subject in location and was in need of repair due to mold and standing water. Moreover, this home was "red tagged" by the village as not fit for occupancy due to its condition. Comparable #3, which was also used by the board of review, is considerably larger in dwelling size when compared to the subject. Comparable #4 is larger in dwelling size when compared to the subject. Comparables #5 and #6 were listings that had not sold. These factors undermine the credibility of the appraiser's final value conclusion.

With respect to the comparable sales submitted by the board of review, the Board gave less weight to comparable #1 due to its larger dwelling size when compared to the subject. Comparable #2 sold in March 2016, well past the subject's January 1, 2015 assessment date. The remaining comparable, which was also used by the appellants' appraiser, was generally similar to the subject in location, design, dwelling size and most features, but is 10 years newer in age than the subject. This property sold in October 2014 for \$198,000 or \$107.14 per square foot of living area including land. This sale is demonstrative that the subject's estimated market value as reflected by its assessment \$232,753 or \$116.84 per square foot of living area including land is excessive. This sale lends further support that the subject's sale price of \$220,000 or \$110.44 per square foot of living area including land is reflective of market value. 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



Acting 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: August 18, 2017



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.