



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

APPELLANT: Olena Voytenko
DOCKET NO.: 15-00204.001-R-1
PARCEL NO.: 02-19-210-001-0000

The parties of record before the Property Tax Appeal Board are Olena Voytenko, 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: \$11,900
IMPR.: \$56,900
TOTAL: \$68,800

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will 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 is improved with a bi-level style single-family dwelling with 1,700 square feet of living area. The dwelling was constructed in 1994. Features of the home include a basement, central air conditioning, one fireplace and a two-car attached garage. The property is located in Bolingbrook, DuPage Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on May 24, 2013 for a price of \$136,000 or \$80.00 per square foot of living area, including land. The appellant provided a copy of the settlement statement disclosing the seller was the Secretary of Housing and Urban Development (HUD). The appellant also submitted a copy of the Multiple Listing Service (MLS) listing sheet for the subject property disclosing the property had been listed on the open market for 11 days. The listing sheet also described the subject property as being REO/Lender Owned, Pre-Foreclosure.

In further support of the overvaluation argument the appellant provided a property tax analysis using five comparable sales. The comparables were described as being improved with two-story dwellings that ranged in size from 1,607 to 1,813 square feet of living area. The dwellings were constructed in 1996 and 1999. One comparable has a basement, one comparable has a fireplace, each comparable has central air conditioning and each comparable has a garage with 400 square feet of building area. The comparables sold from March 2014 to April 2015 for prices ranging from \$127,501 to \$200,000 or from \$70.60 to \$110.74 per square foot of living area, including land. The analysis had adjustments to the comparables for differences from the subject property to arrive at adjusted prices ranging from \$132,752 to \$199,162.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$45,329.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$68,800. The subject's assessment reflects a market value of \$206,917 or \$121.72 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for Will County of 33.25% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted evidence provided by the township assessor which included four comparable sales improved with a tri-level style dwelling and three, two-story dwellings that ranged in size from 1,700 to 1,947 square feet of living area. Three comparables have basements and each comparable has a garage ranging in size from 400 to 428 square feet of building area. The sales occurred from May 2012 to June 2015 for prices ranging from \$212,750 to \$249,900 or from \$121.57 to \$143.46 per square foot of living area, including land.

In rebuttal the township assessor asserted that subject's sale was an invalid government sale. The assessor also contends that each comparable sale used by the appellant was a townhome. The assessor provided copies of photographs depicting each of the appellant's comparables.

The board of review requested no change be made to the subject's assessment.

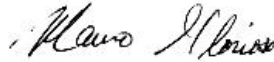
In rebuttal the appellant's counsel argued board of review sales #1 through #3 did not sale proximate in time to the assessment date and board of review sale #4 was 15% larger than the subject property.

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.

The Board finds the best evidence of market value in the record to be comparable sales #1, #3 and #4 submitted by the board of review as these comparables were improved with detached dwellings with varying degrees of similarity to the subject property. These properties sold for prices ranging from \$230,000 to \$249,900 of from \$121.73 to \$143.46 per square foot of living area, including land. The subject's assessment reflects a market value of \$206,917 or \$121.72 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. The Board gave less weight to board of review sale #2 due to the fact this property sold in May 2012, not proximate in time to the assessment date. The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue. Additionally, the evidence disclosed the subject property was sold by a government institution and was identified as being REO/Lender Owned, Pre-Foreclosure, calling into question the arm's length nature of the transaction. Furthermore, the sales provide by the board of review with unit prices ranging from \$121.57 to \$143.46 per square foot of living area, including land, demonstrate the subject's purchase price of \$80.00 per square foot of living area, including land, is not reflective of fair cash value as of the assessment date. Based on this record the Board finds 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

Olena Voytenko, 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