



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

APPELLANT: Timothy J. Wilkins
DOCKET NO.: 15-00207.001-R-1
PARCEL NO.: 12-02-16-104-018-0000

The parties of record before the Property Tax Appeal Board are Timothy J. Wilkins, 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: \$9,900
IMPR.: \$33,100
TOTAL: \$43,000

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 one-story dwelling of vinyl siding exterior construction with 1,182 square feet of living area.¹ The dwelling was constructed in 1972. Features of the home include a slab foundation, central air conditioning and a detached two-car garage with 528 square feet of building area. The property has a 7,539-square foot site and is located in Bolingbrook, DuPage Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property sold in February 2013 for a price of \$97,500. To document the transaction the appellant provided a copy of the Multiple Listing Service (MLS) listing of the subject property, a copy of the subject's Listing & Property History

¹ The Board finds the best evidence of size to be presented by the board of review, which included a copy of the subject's property record card with a diagram of the dwelling.

Report and a copy of the settlement statement. The MLS listing sheet described the subject's transaction as a short sale.

In further support of the overvaluation argument the appellant submitted a Property Tax Analysis using seven comparable sales. The name and qualifications of the person who prepared the analysis was not disclosed. The comparables were composed of one-story dwellings that ranged in size from 864 to 1,183 square feet of living area. The comparables were constructed from 1971 to 1975. Six of the comparables have a garage ranging in size from 263 to 720 square feet of building area. These properties sold from March 2014 to May 2015 for prices ranging from \$73,000 to \$100,100 or from \$75.88 to \$109.38 per square foot of living area, including land. The analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$73,065 to \$113,854. Based on this evidence the appellant requested the subject's assessment be reduced to \$26,497 to reflect a market value of \$79,499.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,000. The subject's assessment reflects a market value of \$129,323 or \$109.41 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 information on five comparable sales identified by the township assessor. The comparables were improved with one-story dwellings that range in size from 1,064 to 1,300 square feet of living area. The dwellings were constructed from 1972 to 1974. Each comparable has a slab foundation, central air conditioning, and a garage ranging in size from 250 to 576 square feet of building area. The comparables were located in the same subdivision as the subject property. The sales occurred from March 2013 to June 2015 for prices ranging from \$130,000 to \$164,853 or from \$103.85 to \$134.57 per square foot of living area, including land. To document the sales the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each transaction.

In rebuttal the board of review asserted the subject's transaction occurred in February 2013 and was an invalid short sale. The board of review also asserted that the appellant's comparables were either foreclosures or short sales. To document this statement the board of review submitted copies of the MLS listing sheets for each of the appellant's comparables and/or a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each transaction. The data provided by the board of review indicated that only appellant's comparable #6 was not a foreclosure or short sale but did have a tenant. The board of review also asserted that appellant's sale #4 sold in 2014 for a price of 82,000 and resold in 2015 for a price of \$143,000, which was utilized as board of review sale #4.

In rebuttal appellant's counsel asserted that pursuant to section 16-183 of the Property Tax Code (35 ILCS 200/16-183) the Property Tax Appeal board is to consider compulsory sales of comparable properties for the purpose of revising and correcting assessments. Counsel also contends board of review sales #1 and #3 occurred in 2013, which is too remote in time to establish market value as of January 1, 2015. She also indicated that each of the board of review comparables was 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 appellant presented evidence that the subject property was purchased in February 2013 for a price of \$97,500. The Board gives little weight to the subject's sale as the transaction occurred approximately 23 months prior to the assessment date, which is not proximate in time to the assessment date and not likely to be as indicative of fair cash value as those sales that occurred more proximate in time to the assessment date at issue.

The Board also gives less weight to the Property Tax Analysis submitted by the appellant as the analysis arrived at a value conclusion of \$79,499, which was less than the subject's purchase price calling into question the credibility of the conclusion.

The parties submitted 12 comparables to support their respective positions. The record disclosed that appellant's sales #1, #2, #3, #4, #5 and #7 were either foreclosures or short sales. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board gives less weight to board of review comparables #1 and #3 as these properties sold in 2013, not proximate in time to the assessment date.

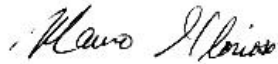
Those comparables in the record that were not compulsory sales and sold proximate in time to the assessment date include appellant's sale #6 and board of review comparables #2, #4 and #5

for prices ranging from \$94,500 to \$164,853 or from \$109.38 to \$134.57 per square foot of living area, including land. The subject's assessment reflects a market value of \$129,323 or \$109.41 per square foot of living area, including land, which is well support by these sales.

Less weight was given appellant's sales #1, #2, #3, and #5 as these homes were smaller than the subject dwelling. The Board further finds appellant's sale #4 was disclosed to be the same property as board of review sale #4 but was a compulsory same that was sold by the Federal National Mortgage Association in October 2014 for a price of \$82,000. The board of review reported this property sold again in February 1015 for a price of \$143,000, calling into question whether the first transaction was indicative of fair cash value.

Based on this evidence 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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: April 17, 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

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