



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

APPELLANT: Edward & Lisa Prendergast
DOCKET NO.: 15-00208.001-R-1
PARCEL NO.: 15-05-225-034-0000

The parties of record before the Property Tax Appeal Board are Edward and Lisa Prendergast, the appellants, by Jessica Hill-Magiera, attorney at law, 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: \$2,582
IMPR.: \$28,131
TOTAL: \$30,713

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 1.5-story dwelling of frame construction with 1,530 square feet of living area. The dwelling was constructed in 1904. Features of the property include a full unfinished basement and a detached garage with 480 square feet of building area. The property is located in Steger, Crete Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales improved with 1.5-story dwellings that range in size from 1,506 to 1,920 square feet of living area. The dwellings were constructed from 1905 to 1926. Each comparable has a full basement and two comparables have central air conditioning. The sales occurred from January 2014 to December 2014 for prices ranging from \$31,000 to \$48,000 or from \$16.15 to \$28.47 per square foot of living area, including land. The analysis provided by the appellants had adjustments to the comparables for time and differences

from the subject property to arrive at adjusted prices ranging from \$21,601 to \$41,506. Based on this analysis the appellants requested the subject's assessment be reduced to \$12,713 to reflect a market value of \$38,143.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,713. The subject's assessment reflects a market value of \$92,370 or \$60.37 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 four comparable sales identified by the township assessor that were improved with 1.5-story dwellings of frame construction that range in size from 1,233 to 1,872 square feet of living area. The dwellings were constructed from 1904 to 1949. Three comparables have a basement, three comparables have central air conditioning, one comparable has a fireplace and three comparables have a garage ranging in size from 440 to 728 square feet of building area. Each comparable is in the same assessment neighborhood as the subject property. The comparables sold from June 2013 to November 2014 for prices ranging in size from \$82,500 to \$142,000 or from \$65.19 to \$75.85 per square foot of living area, including land. To document the sales the board of review submitted a copy of the property record card and copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each comparable sale. The transfer declarations indicated that each comparable had been advertised for sale.

The township assessor also had prepared a memorandum asserting that appellant's sales #3, #4 and #5 were invalid, but did not explain the basis for that conclusion.

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

The appellants' counsel submitted rebuttal comments contending that board of review sale #1 was acceptable while the three remaining sales occurred in 2013 and were too remote in time to establish a market value as of January 1, 2015.

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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains information on nine sales submitted by the parties to support their respective positions. The Board gives most weight to the comparables provided by the board of review as the board of review provided documentation disclosing each sale had the elements of an arm's length transaction. The Board finds that three of the board of review sales occurred in 2013, which would seem to require positive adjustments for time if using the same rationale as contained in the appellants' analysis where each of their comparables that sold before January 1,

2015, received an upward adjustment for time. The board of review comparables sold for prices ranging from \$82,500 to \$142,000 or from \$65.19 to \$75.85 per square foot of living area, including land. The subject's assessment reflects a market value of \$92,370 or \$60.37 per square foot of living area, including land, which is within the overall price range but below the range on a square foot basis of the sales provided by the board of review. Less weight was given the sales provided by the appellants as they provided no supportive documentation, as did the board of review, demonstrating the comparables had the elements of arm's length transactions. Additionally, the Board questions whether the appellants' sales are reflective of fair cash value when comparing their purchase prices with the purchase prices of the board of review comparables, which have supporting documentation demonstrating the arm's length nature of its sales. 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(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

Acting 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: February 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

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