



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

APPELLANT: Joao Silva
DOCKET NO.: 15-00210.001-R-1
PARCEL NO.: 12-02-27-306-011-0000

The parties of record before the Property Tax Appeal Board are Joao Silva, the appellant, 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 **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: \$11,300
IMPR.: \$16,031
TOTAL: \$27,331

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 consists of a one-story dwelling with 1,209 square feet of living area. The dwelling was constructed in 1961. Features of the home include a concrete slab foundation and a two-car detached garage of 396 square feet of building area. The property is located in Romeoville, 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 January 29, 2014 for a price of \$82,000. The appellant reported the parties to the transaction were not related, the property was sold by a realtor and the property was advertised with the Multiple Listing Service. A copy of the Settlement Statement reiterates the purchase date and price and also depicts the distribution of broker fees to two entities. A copy of the Multiple Listing Service data sheet depicts that the property was on the market for 73 days and a Listing & Property History Report depicts that the original asking price for the property in October 2013 was \$81,500. Based on

this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$42,100. The subject's assessment reflects a market value of \$126,617 or \$104.73 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 response to the appeal, the board of review submitted a memorandum from the township assessor stating in pertinent part that the subject property "received a one year reduction to the invalid sale price in 2014" and the subject was raised back to a full assessment to be equitable in 2015. The assessor acknowledged that the subject sold in January 2014 for \$82,000 and attached a copy of the PTAX-203 Illinois Transfer Declaration related to the sale; the assessor contends the sale is "invalid – Bank REO." The PTAX-203 document reflects that the property was advertised prior to the sale

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales located in the same subdivision as the subject. The comparables consist of one-story dwellings that were built between 1962 and 1964. The homes range in size from 912 to 1,417 square feet of living area with concrete slab foundations and garages ranging in size from 210 to 484 square feet of building area. The comparables sold between August 2013 and March 2015 for prices ranging from \$127,000 to \$158,000 or from \$104.04 to \$158.64 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, counsel for the appellant noted that the board of review did not dispute the sale of the subject property for the price stated. While the board of review contends that the sale was "invalid," the appellant contends that there was no evidence to support that contention as the property was advertised and the sale was not between related parties. Counsel further contends that the comparable sales submitted by the board of review should be given no weight in light of the appellant's recent sale of the subject property argument.

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 Board finds the best evidence of market value to be the purchase of the subject property approximately one year prior to the assessment date at issue or on January 29, 2014 for a price of \$82,000. The appellant provided evidence demonstrating the sale had the elements of an arm's

length transaction. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and that the property was sold using a Realtor; the appellant also submitted documentation that the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 73 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement and the PTAX-203 Illinois Real Estate Transfer Declaration which was re-submitted by the Will County Board of Review. On this record, the Board finds the purchase price of \$82,000 is below the market value reflected by the assessment of \$126,617.

Furthermore, the Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction and, of the five suggested comparable sales, comparable #1 sold in August 2013, a date more remote in time to the valuation date at issue. As to the remaining four sales, the Board finds that these sales do not overcome the evidence of an arm's length sale transaction of the subject property or to refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property is overvalued based on its assessment and reduction in the subject's assessment commensurate with the appellant's request is warranted.

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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Joao Silva, 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