



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

APPELLANT: George Zito  
DOCKET NO.: 15-00214.001-R-1  
PARCEL NO.: 12-02-09-315-033-0000

The parties of record before the Property Tax Appeal Board are George Zito, 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:** \$22,400  
**IMPR.:** \$58,800  
**TOTAL:** \$81,200

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 two-story dwelling of brick exterior construction with 2,351 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full basement, central air conditioning, one fireplace and a three-car garage. The property 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 a property tax analysis using six comparable sales improved with two-story dwellings each with 2,351 square feet of living area. The dwellings were constructed in 2002 and 2003. Each comparable has a full basement, four comparables each have one fireplace, each comparable has central air conditioning and a garage with 402 square feet of building area. The sales occurred from July 2014 to May 2015 for prices ranging from \$147,000 to \$226,000 or from \$62.53 to \$96.13 per square foot of building area, including land. Adjustments were made to the comparables for time and differences from the subject property to arrive at adjusted prices

ranging from \$156,932 to \$236,384. Based on this evidence the appellant requested the subject's assessment be reduced to \$71,598 to reflect a market value of \$214,815.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$81,200. The subject's assessment reflects a market value of \$244,211 or \$103.88 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 two-story dwellings of vinyl or brick exterior construction each containing 2,351 square feet of living area. The dwellings were constructed in 2002 and 2003. Each comparable has a full basement, one comparable has a fireplace and each comparable has a two-car or a three-car garage. The comparables sold from December 2012 to June 2015 for prices ranging from \$226,000 to \$269,900 or from \$96.13 to \$114.80 per square foot of living area, including land. Sale #4 was the same property as appellant's comparable sale #6.

In rebuttal, the assessor asserted that appellant's comparable sales #1 through #5 were invalid sales as they were either court ordered or short sales. The board of review provided copies of the PTAX-203 Illinois Real Estate Transfer Declaration for appellant's comparables #1 through #4 disclosing sale #1 was sold by a financial institution; sale #2 was a court ordered sale that sold at auction and the buyer was a real estate investment trust; sale #3 was a Bank REO (real estate owned); and sale #4 was a Bank REO (real estate owned). The board of review provided a document disclosing appellant's comparable sale #5 was a short sale.

In rebuttal the appellant's counsel asserted that pursuant to section 16-183 of Property Tax Code (35 ILCS 200/16-183) the Property Tax Appeal Board is to consider compulsory sales. Additionally, the appellant's counsel indicated board of review comparable #1 sold in 2012 and is too remote in time to establish market value as of January 1, 2015.

### **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 record contains nine sales submitted by the parties to support their respective positions with one sale being common to both parties. The Board recognizes the appellant's comparables sales #1 through #5 may be either short sales or foreclosures. 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 sales submitted by the parties were similar to the subject property in location, age, style, size and features. The sales occurred from December 2012 to June 2015 for prices ranging from \$147,000 to \$269,900 or from \$62.53 to \$114.80 per square foot of living area, including land. Appellant's comparable sales #1 and #2 were identified as being sold by a financial institution or a court ordered sale, indicating there are questions about the arm's length nature regarding the transactions. Additionally, appellant's comparable sales #1 and #2 appear to be outliers with reference to the remaining sales. Based on these facts the Board gives appellant's comparables #1 and #2 less weight. The Board also recognizes that board of review sale #1 sold in December 2012, however, when reviewing the comparable sales that occurred in 2014 and 2015, the purchase price of this comparable seems to be reflective of fair cash value as of the assessment date. The Board gives most weight to appellant's comparables #3 through #6 and the comparables sales provided by the board of review. These properties sold for prices ranging from \$194,900 to \$269,900 or from \$82.90 to \$114.80 per square foot of living area, including land. The subject's assessment reflects a market value of \$244,211 or \$103.88 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct and a reduction in the assessment is not appropriate.

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

George Zito, 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