



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

APPELLANT: Murphy Family Trust
DOCKET NO.: 15-00358.001-R-1
PARCEL NO.: 30-07-09-112-012-0000

The parties of record before the Property Tax Appeal Board are Murphy Family Trust, 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: \$7,500
IMPR.: \$9,220
TOTAL: \$16,720

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 part two-story and part one-story multi-family frame dwelling that has 1,796 square feet of living area. The dwelling was constructed in 1900. Features include an unfinished basement. The subject has a .15-acre site and is located in Joliet, Joliet Township, Will County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a limited "Property Tax Analysis (Sales)" of six suggested comparables. The analysis was dated April 6, 2016. Neither the name nor the professional credentials of the person(s) who prepared the report were disclosed. The comparables are located from .40 to .67 of a mile from the subject property. The comparables were each part two-story and part one-story dwellings that were built between 1900 and 1910. The dwellings range in size from 1,601 to 1,928 square feet of living area with

full basements. Three of the comparables have air conditioning and three of the comparables also have garages ranging in size from 286 to 440 square feet of building area. Their land sizes were not disclosed. The comparables sold in September or October 2014 for prices ranging from \$10,000 to \$54,500 or from \$5.80 to \$32.86 per square foot of living area, including land.

The analysis also included "Property Equalization Values" (adjustments) to the comparables for sale date, land,¹ age, square footage, air conditioning and garage area. No evidence or explanation pertaining to the calculation of the adjustment amounts was provided. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$42,091 or a total assessment of \$14,029. At the bottom of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,200. The subject's assessment reflects a market value of \$114,887 or \$63.97 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 along with additional data gathered by James A. Brenczewski, Joliet Township Assessor. The assessor contends that each of the appellant's comparables are "in lesser neighborhood value" and are "outside the subject's neighborhood."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales, two of which are located in the subject's neighborhood. The third comparables is reportedly in a "contiguous neighborhood." The comparables consist of part two-story and part one-story dwellings with frame exterior construction that were built between 1901 and 1910. The homes range in size from 1,572 to 2,480 square feet of living area. Each comparable has a basement. One home has central air conditioning and one has a fireplace. Each of the comparables have a garage ranging in size from 522 to 576 square feet of building area. The comparables sold between July 2013 and November 2015 for prices ranging from \$104,000 to \$208,000 or from \$66.16 to \$91.24 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant noted that the assessing officials provided no evidence to support the assertion that the appellant's comparables were "from lesser" neighborhoods. As to the sales presented by the board of review counsel argued that dwellings were larger than the subject and/or feature a garage which is not a feature of the subject property. In addition, counsel contended that board of review comparable #3 sold in 2013, a date too remote in time to establish market value for the subject property as of January 1, 2015.

¹ No data concerning the land sizes of the comparables were presented in the appellant's evidence.

Considering all of these "best" appellant comparable sales #1, #2 and #4, counsel argued that a reduction in the subject's assessment is warranted and further argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Appellant further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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 parties submitted a total of nine suggested comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #3, #5 and #6 along with the board of review comparables due to differences in garage feature; in addition, the board of review comparables #1 and #2 were substantially larger than the subject dwelling. Board of review comparable #3 also was a dated sale for the assessment date of January 1, 2015.

The Board finds the three most similar comparable sales in the record to be appellant's comparables #1, #2 and #4. These comparables are similar to the subject in age, design, dwelling size and foundation. These most similar comparables sold in September 2014 for prices of \$10,000, \$52,000 and \$45,100, respectively. The Board finds on this record that appellant's comparable #1 that sold for \$10,000 appears to be an outlier and thus, reduced weight has been given to this comparable.

The Board finds the best evidence of market value in the record are appellant's comparable #2 and #4. These comparables sold for \$23.39 and \$29.71 per square foot of living area, including land. The subject's assessment reflects a market value of \$114,887 or \$63.97 per square foot of living area, including land, which is above the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is 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.



Chairman



Member

Acting 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: August 18, 2017



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 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 the subsequent year 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.

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.