



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

APPELLANT: Guerrero & Margarita Concepcion
DOCKET NO.: 15-00360.001-R-1
PARCEL NO.: 30-07-09-309-026-0000

The parties of record before the Property Tax Appeal Board are Guerrero & Margarita Concepcion, 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: \$ 9,200
IMPR.: \$36,050
TOTAL: \$45,250

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 consists of a two-story dwelling of frame construction that has 1,926 square feet of living area. The dwelling was built in 1895. Features include an unfinished basement and a fireplace. The subject property has a 10,890 square foot site. The subject property is located in Joliet Township, Will County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information pertaining to the sale of the subject property and a "Property Tax Analysis" of six comparable sales.

The evidence also shows the subject property sold in May 2012 for \$52,900 as a result of foreclosure. The residential appeal petition disclosed the parties to the transaction were not

family or related corporations and the property was advertised for sale through the Multiple Listing Service. The appellants submitted the Real Estate Transfer Declaration associated with the sale of the subject property.

With respect to the "Property Tax Analysis" neither the name nor the professional credentials of the person(s) who prepared the analysis was disclosed. The comparables are reported to be located from .31 to .93 of a mile from the subject property. The comparables are comprised of two-story dwellings of unknown exterior construction that were built from 1890 to 1901. Features had varying degrees of similarity when compared to the subject. The dwellings contain from 1,616 to 2,136 square feet of living area, but their lot sizes were not disclosed. The comparables sold from April 2014 to March 2015 for prices ranging from \$38,830 to \$110,000 or from \$20.22 to \$59.93 per square foot of living area including land. The analysis included "Property Equalization Values" (adjustments) to the comparables for some differences when compared to the subject. No 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 \$52,901 or \$27.47 per square foot of living area including land. Based on this evidence, the appellants 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 \$45,250. The subject's assessment reflects an estimated market value of \$136,090 or \$70.66 per square foot of living area including land when applying Will County's 2015 three-year average median level of assessment of 33.25%. In support of the subject's assessment, the board of review submitted a letter from the township assessor addressing the appeal and four comparable sales.

The comparable sales are located in the same neighborhood as the subject. The comparables are composed of two-story dwellings of frame construction that were built from 1903 to 1916. Features had varying degrees of similarity when compared to the subject. The dwellings contain from 1,548 to 2,314 square feet of living area and are situated on sites than contain from 6,534 to 10,454 square feet of land area. The comparables sold from October 2013 to March 2015 for prices ranging from \$160,500 to \$214,800 or from \$81.02 to \$108.27 per square foot of living area including land.

With respect to the appellants' evidence, the township assessor argued the comparables are located in "lesser neighborhoods." The assessor also claimed appellants' comparable #2 resold in 2016 for \$123,500.

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

Under rebuttal, the appellants accepted board of review comparables #1 and #4 "assuming garage is properly equalized." The appellants argued comparable #2 is 20% larger in dwelling size than the subject and comparable #3 sold in 2013, which is too remote in time to establish market value as of January 1, 2015.

The appellants' counsel argued the Property Tax Appeal Board uses an analysis system that looks at the range of sale price per square footage of comparable sales that it deems to be best, "without any equalizations." However, appellants' counsel contends using this method does not

take into account the fundamental concept of using a median sale price per square foot to determine market value. The appellants' counsel contends that if just one comparable sale is above the subject's value per square foot, the Property Tax Appeal Board has decided that the subject property is fairly assessed without regard to the number of best comparable sales or the median sale price per square foot of those comparable sales. The appellants calculated the median sale price per square foot of the best comparables was \$41.46 per square foot of living area including land whereas the subject has an estimated market value of \$70.49 per square foot of living area including land. The appellants argued that using the median price per square foot is more accurate and should be the standard practice for determining fair market value.

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 failed to meet this burden of proof.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' argument that the Board should adopt the standard practice of using the median sale price per square foot of living area including land of those comparables deemed best in determining fair market value because it is a more accurate method. The decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not the simplistic statistical formula of using the median sale price per square foot of living area including land of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Commonwealth Edison Co. v. Property Tax Appeal Board, 102 Ill. 2d 443 (1984); Mead v. Board of Review, 143 Ill.App.3d 1088, 1095, 98 Ill.Dec. 244, 494 N.E.2d 171 (1986)).

The Board gave less weight to the subject's May 2012 sale price. The subject's sale occurred over two years prior to the subject's January 1, 2015 assessment date. The Board finds the subject's sale is dated and not representative of market value as of the assessment date at issue.

The parties submitted ten comparable sales for the Board's consideration. The Board gave less weight to appellants' comparables. Five of the six comparables are located in different neighborhoods than the subject. In addition, the maps submitted by the board of review indicate these comparables are located over one mile from the subject property. Finally, the appellants' analysis failed to disclose the comparables' exterior construction and land sizes, which further detracts from the weight of the evidence. The Board gave less weight to board of review comparable #3. This property sold in 2013, which is dated and less indicative of market value as of the subject's January 1, 2015 assessment date. The Board finds the three remaining comparables were more similar when compared to the subject in land area, location, design, age, dwelling size and most features. These comparables sold in September 2014 or March 2015 for prices ranging from \$160,500 to \$199,000 or from \$81.02 to \$103.68 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$136,090 or \$70.66 per square foot of living area including land, which falls below the range established by

the most similar comparable sales contained in this record. Based on this record, the Board finds 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. 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: September 22, 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 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

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