



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

APPELLANT: Hawk Haiduke
DOCKET NO.: 15-00365.001 -R-1
PARCEL NO.: 14-12-17-218-007-0000

The parties of record before the Property Tax Appeal Board are Hawk Haiduke, 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: \$15,750
IMPR.: \$54,156
TOTAL: \$69,906

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 frame construction with 2,394 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full basement, central air conditioning, one fireplace and a two-car attached garage with 435 square feet of building area. The property has a site with approximately 12,280 square feet of land area and is located in Manhattan, Manhattan 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 October 10, 2010 for a price of \$185,000 or \$77.28 per square foot of living area, including land. The appellant indicated the parties to the transaction were not related and the property had been advertised for sale. The appellant provided a copy of the closing statement and the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's sale. The settlement statement and the transfer declaration identified the seller as Bayview Loan Services, LLC. The settlement

statement disclosed that a commission was paid to two firms. The transfer declaration disclosed the property was advertised for sale and the property was a Bank REO (real estate owned) at the time of sale. 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 \$69,906. The subject's assessment reflects a market value of \$210,244 or \$87.82 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 Manhattan Township Assessor, Joseph R. Oldani. The assessor contends the subject's purchase price does not disclose the full value of the property because every buyer purchasing property in the subject's subdivision, Brookstone Springs, must accept a Special Service Area (SSA) lien against the property. The assessor provided a copy of the Special Service Area prepayment voucher disclosing the amount to prepay and permanently satisfy the tax was \$24,717.98, which was valid through January 15, 2016. He contends the true value of the home would be the sum of the purchase price plus the outstanding lien. The assessor noted that in a previous sale of the subject property from the developer the transfer declaration included a statement noting the full actual consideration contained on line 11 of the form included the \$25,601.43 for the SSA lien. The assessor provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's previous sale in March 2006 to support this statement. The assessor also provided a copy of a letter from the office of the Will County State's Attorney dated November 10, 2008, which concluded that a buyer of a property subject to an SSA lien agrees to take on the SSA assessment and the present value of the assessment should be included in the calculation of the fair market value.

To support the assessment the assessor identified four comparable sales from the subject's subdivision that were improved with two-story dwellings of frame construction that range in size from 2,384 to 2,571 square feet of living area. The dwellings were either nine or ten years old. Each comparable has an unfinished basement, central air conditioning and a garage ranging in size from 409 to 435 square feet of building area. One comparable has a fireplace. These properties sold from January 2013 to July 2015 for prices ranging from \$208,500 to \$236,000 or from \$86.87 to \$91.79 per square foot of living area, including land. The assessor noted that each of these sales was a subsequent sale of a property in the subdivision without the SSA lien. To document the transactions the assessor provided a copy of each property's property record card and a copy of the associated PTAX-203 Illinois Real Estate Transfer Declaration. The transfer declaration associated with board of review sale #1 indicated that property was a Bank REO (real estate owned) and the seller was the Federal National Mortgage Association.

Appellant's counsel submitted rebuttal evidence asserting that SSA lien should not be considered and the board of review did not dispute the subject's sale.

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 appellant provided evidence that the subject property was purchased in October 2014 for a price of \$185,000. Although the parties were not related, the appellant did not provide any evidence as to how long the property was on the market prior to the sale and the property was owned by a financial institution at the time of sale, which detracts from the arm's length nature of the transaction. Additionally, the board of review provided evidence that at the time of sale the subject property had an SSA lien of approximately \$24,700, which would need to be considered as part of the consideration owed by the buyer to release the lien. Thus, the Board finds the purchase price reflected on the closing statement and transfer declaration understates the value of the subject property.

Additionally, the board of review submission included four sales of two-story dwellings in the subject's subdivision that did not have the SSA lien. These comparables sold for prices ranging from \$208,500 to \$236,000 or from \$86.87 to \$91.79 per square foot of living area, including land. These four sales demonstrate the subject's purchase price of \$185,000 or \$77.28 per square foot of living area, including land, is not reflective of fair cash value. These four sales also support the conclusion the subject's assessment reflecting a market value of \$210,244 or \$87.82 is well supported and reflective of the properties fair cash value. In conclusion 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 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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: July 17, 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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