



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

APPELLANT: IH3 Property Illinois, LP
DOCKET NO.: 15-00485.001-R-1
PARCEL NO.: 12-02-16-402-007-0000

The parties of record before the Property Tax Appeal Board are IH3 Property Illinois, LP, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago, 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: \$12,000
IMPR.: \$48,400
TOTAL: \$60,400

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 two-story dwelling with 1,660 square feet of living area. The dwelling was constructed in 1998. Features of the home include a partial basement and a 410 square foot garage. The property has an 8,048 square foot site and is located in Bolingbrook, DuPage Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant completed Section IV – Recent Sale Data of the appeal petition disclosing the subject property was purchased on October 21, 2013 for a price of \$144,000. The appellant reported that the property was sold by agent Francesco Cacucciolo, the property was purchased from Robert Swofford and was advertised with the Multiple Listing Service for 416 days. The appellant failed in Section IV to report whether the parties were related and/or whether the property was

sold by owner, realtor, auction or other. A copy of the Settlement Statement reiterated the purchase price and closing date and also depicted the distribution of brokers' fees to two entities.

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 \$60,400. The subject's assessment reflects a market value of \$181,654 or \$109.43 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. The memorandum states that the subject's assessment "received a one year reduction to the invalid sale price in 2014, then was raised back in 2015 to be equitable, and received a 1.10 subdivision increase." As to the sale of the subject, it was asserted the sale was "invalid short sale," was in average shape and sold in October 2013 for \$144,000. (See PTAX-203 attached). The PTAX-203 indicates that the property was advertised prior to its sale. No further explanation was provided as to the basis for contending the sale was invalid. (See 35 ILCS 200/16-183)

In support of its contention of the correct assessment the board of review submitted information on four comparable sales¹ located in the subject's subdivision. The comparables consist of two-story dwellings that were built between 1998 and 2000. The homes range in size from 1,660 to 2,107 square feet of living area with full or partial basements and a garage ranging in size from 400 to 432 square feet of building area. The comparables sold between March 2014 and October 2015 for prices ranging from \$198,500 to \$250,000 or from \$117.53 to \$138.49 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.

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 submitted data concerning the October 2013 sale of the subject for \$144,000 and the board of review submitted four comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the sale of the subject

¹ The memorandum contends that there are five comparable sales, but no data on a fifth property could be found in the submission.

as the sale date in 2013 is remote in time to the assessment date of January 1, 2015 and thus less likely to be indicative of the subject's estimated market value as of the lien date at issue. The Board has also given reduced weight to board of review comparable #3 the dwelling contains 2,107 square feet of living area as compared to the subject's dwelling size of 1,660 square feet.

The Board finds the best evidence of market value in the record to be the comparable sales #1, #2 and #4 submitted by the board of review. These comparables were similar to the subject in age, style, construction and some features. These properties range in size from 1,660 to 1,728 square feet of living area and sold proximate in time to the assessment date at issue. These comparables sold between March 2014 and October 2015 for prices ranging from \$198,500 to \$229,900 or from \$117.53 to \$138.49 per square foot of living area, including land. The subject's assessment reflects a market value of \$181,654 or \$109.43 per square foot of living area, including land, which is below the range of the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. Therefore, based on this record, the Board finds the appellant failed to establish that the subject is overvalued and a reduction in the subject's 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(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

AGENCY

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