



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

APPELLANT: David Hetzler
DOCKET NO.: 15-00488.001-R-1
PARCEL NO.: 21-14-12-308-068-0000

The parties of record before the Property Tax Appeal Board are David Hetzler, 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 **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: \$1,549
IMPR.: \$10,451
TOTAL: \$12,000

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 townhouse of with a brick and vinyl siding exterior construction with 1,604 square feet of living area. The dwelling was constructed in 1973. Features of the home include a full basement and central air conditioning. The property has a 3,267 square foot site and is located in University Park, Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on eight comparable sales improved with two-story townhomes each with 1,480 square feet of living area. The dwellings were constructed from 1970 to 1975. Each of the comparables has a basement with two being finished and each comparable has central air conditioning. The comparables are located in the same complex as the subject property. The sales occurred from May 2014 to February 2015 for prices ranging from \$13,201 to \$30,000 or from \$8.92 to \$20.27 per square foot of living area, including land. The appellant's submission included adjustments to the comparables for differences from the subject property to

arrive at an "equalized sale price" for each comparable that ranged from \$14,243 to \$31,776. Based on this evidence the appellant requested the subject's assessment be reduced to \$6,353.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$23,240. The subject's assessment reflects a market value of \$69,895 or \$43.58 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 information on three comparable sales identified by the Monee Township Assessor. The comparables were improved with two-story townhomes of frame construction that had either 1,567 or 1,625 square feet of living area. The dwellings ranged in age from 16 to 43 years old. Each comparable has a basement and central air conditioning. Two comparables have a fireplace and a garage. The sales occurred from September 2013 to March 2015 for prices ranging from \$67,900 to \$110,000 or from \$43.33 to \$67.69 per square foot of living area, including land.

In rebuttal the township assessor asserted that appellant's comparable sales 1, 2, 3, 5, 6, 7 and 8 were special warranty deed, Bank REO, Seller/Buy is a Financial Institution or Government Agency, Sheriff Deed, court ordered sale, auction sale and buyer is a real estate investment trust. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each sale submitted by the appellant to support these assertions.

In rebuttal the appellant asserted that section 16-183 of the Property Tax Code (35 ILCS 200/16-183) requires the Property Tax Appeal Board to consider compulsory sales as valid comparable sales. The appellant also indicated that board of review sale #1 was an acceptable comparable sale. The appellant also asserted that board of review sales #2 and #3 were located almost 4 miles from the subject property, the comparables were 30 and 28 years newer than the subject dwelling; and sale #3 was too remote in time to establish a 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 met meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2, #4, #6, and #7 as well as board of review comparable sale #1. The record showed that these five sales submitted by the appellant were sold by a bank or a government entity. 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 Board gave less weight to appellant's sale #5 as the record indicated this property was not advertised for sale. The Board gave less weight to appellant's sale #3 and #8 as these were Sheriff's Sales, calling into question whether these sales were arm's length transactions reflective of fair case value. The Board gave less weight to board of review sales #2 and #3 due to differences from the subject property in location, age and features as each had a fireplace and a garage.

These most similar comparables sold for prices ranging from \$15,000 to \$67,900 or from \$10.14 to \$43.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$69,895 or \$43.58 per square foot of living area, including land, which is above the range established by the best sales in the record. After considering the best sales provided by the parties, 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



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: _____

April 21, 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.