



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

APPELLANT: David Hetzler
DOCKET NO.: 15-00494.001-R-1
PARCEL NO.: 21-14-12-308-061-0000

The parties of record before the Property Tax Appeal Board are David Hetzler, 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: \$1,549
IMPR.: \$21,028
TOTAL: \$22,577

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 of frame construction with 1,567 square feet of living area. The dwelling was constructed in 1973. Features of the home include a full 853 square foot basement and central air conditioning. The property has a 2,231 square foot site and is located in the Oakside Townhomes neighborhood 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 located from .01 to .30 of a mile from the subject. The comparables are improved with two-story dwellings that contain either 1,480 or 1,716 square feet of living area. The dwellings were constructed between 1970 and 1975. Seven of the comparables have full basements, one of which is also a walkout style. Seven

comparables have central air conditioning. 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 analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$14,078 to \$31,295.

Based on this evidence the appellant requested the subject's assessment be reduced to \$6,271 to reflect a market value of \$18,815.

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 \$44.60 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 provided by the Monee Township Assessor which included three comparable sales and rebuttal statements regarding the appellant's comparable sales.

In rebuttal the township assessor asserted that the appellant's sales were "Special Warranty Deed, Bank REO, seller/buyer is a financial institution or government agency, Sheriff Deed, court ordered sale, auction sale." In addition, documents depicting the re-sale of appellant's comparables #4 and #5 for \$27,500 and \$45,000 in May and June 2015 were submitted.

In support of the assessment the assessor identified three comparable sales improved with two-story frame dwellings containing either 1,567 or 1,625 square feet of living area with basements and central air conditioning. The dwellings ranged in age from 16 to 43 years old. Two of the comparables have garages of 406 square feet of building area. The sales occurred between September 2013 and 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.

The board of review requested no change be made to the subject's assessment.

In rebuttal the appellant acknowledged that some of the appellant's comparables were compulsory sales but noted in part that section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides that the Property Tax Appeal Board is to consider compulsory sales of comparable properties for the purpose of revising and correcting assessments. The appellant also asserted that board of review sale #2 is substantially newer than the subject dwelling and sale #3 which sold in 2013 is too remote in time to be a valid indicator of the subject's estimated market value; in addition, sale #3 is located approximately 4 miles from the subject property and is also substantially newer than the subject dwelling.

Counsel further indicated that board of review comparable #1 and appellant's comparables #1 through #7 along with the resales of appellant's comparables #4 and #5 as reported by the board of review were the "best" comparable sales in the record. Counsel also argued that a reduction in the subject's assessment is warranted and further asserted 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 record contains information on eleven sales provided by the parties. The evidence in the record disclosed that several of the appellant's sales were sold by court ordered, auction, and/or bank REO sales. 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.

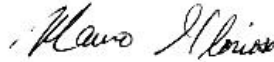
Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The parties submitted a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #2 and #3 as the evidence indicates that the dwellings were much newer than the subject and the properties are distant from the subject with sale #3 also having occurred in 2013, a date remote to the valuation date at issue. The Board has also given reduced weight to appellant's comparables #6 and #8 due to differences in foundation and dwelling size, respectively.

The Board finds the best evidence of market value to be appellant's comparable sales #1 through #5 and #7 along with board of review comparable sale #1 and the best data also includes the resales of appellant's comparable #4 and #5. These most similar comparables sold for prices ranging from \$13,201 to \$67,900 or from \$8.92 to \$43.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$69,895 or \$44.60 per square

foot of living area, including land, which is above the range established by 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. 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

David Hetzler, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Will County Board of Review
Will County Office Building
302 N. Chicago Street
Joliet, IL 60432