



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

APPELLANT: Donald & Susan Gayton
DOCKET NO.: 15-00496.001-R-1
PARCEL NO.: 21-14-02-205-028-0000

The parties of record before the Property Tax Appeal Board are Donald & Susan Gayton, 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: \$5,472
IMPR.: \$18,931
TOTAL: \$24,403

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 one-story dwelling of frame construction with 1,300 square feet of living area. The dwelling was constructed in 1954. Features of the home include a concrete slab foundation, central air conditioning and a detached 484 square foot garage. The property has a 9,032 square foot site and is located in Park Forest, Monee Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on eight comparable sales located from .12 to .62 of a mile from the subject. The comparables are improved with one-story dwellings that ranged in size from 1,092 to 1,412 square feet of living area. The dwellings were constructed between 1953 and 1957. Each comparable has a slab foundation, five comparables have central air conditioning and one of the comparables has a fireplace. Seven of the comparables also have a

garage ranging in size from 320 to 484 square feet of building area. The sales occurred from May 2014 to July 2015 for prices ranging from \$7,500 to \$50,000 or from \$6.87 to \$35.41 per square foot of living area, including land. The appellants' analysis included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$10,784 to \$51,340.

Based on this evidence the appellants requested the subject's assessment be reduced to \$8,368 to reflect a market value of \$25,107.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,403. The subject's assessment reflects a market value of \$73,392 or \$56.46 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 appellants' comparable sales.

In rebuttal the township assessor asserted that appellants' sales #1, #3, #5, #6, #7 and #8 were "Special Warranty Deed and/or Bank REO, buyer/seller is a financial institution or government agency, Sheriff Deed, court ordered sale and auction sale." In support of these assertions copies of the PTAX-203 Illinois Real Estate Transfer Declaration for these six sales were submitted. In addition, documents depicting the re-sale of appellants' comparable #2, #4 and #6 for prices of \$75,000, \$68,100 and \$81,500, respectively, that occurred in February, June and July 2015 were submitted.¹ The copies of the applicable PTAX-203 transfer declarations reveal that the resale of appellants' comparable #2 for \$75,000 was not advertised prior to sale.

In support of the assessment the assessor identified three comparable sales. Comparable #1 was the same property as appellants' comparable #2 with the later unadvertised sale price and comparable #2 was the same property as appellants' comparable #6 with the February 2015 sale price of \$81,500. These comparables are improved with one-story frame dwellings ranging in size from 1,092 to 1,585 square feet of living area. The dwellings were 60 or 62 years old. Each comparable had a slab foundation and two comparables had central air conditioning. Each of the comparables has a garage with 352 or 360 square feet of building area. The sales occurred in July 2013 or February 2015 for prices ranging from \$75,000 to \$81,900 or from \$51.67 to \$74.63 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 appellants acknowledged that some of the appellants' 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 appellants

¹ The PTAX-203 for appellant's comparable #3 for \$50,000 and #8 for \$7,500 were also submitted, although these were the sales cited by the appellants in the grid analysis.

also asserted that board of review sale #1 was not advertised as shown in the applicable PTAX-203 and sale #3 which sold in 2013 was too remote in time to be indicative of the subject's estimated market value as of January 1, 2015.

Counsel further indicated that board of review comparable #2 along with appellants' comparables #1, #2, #3, #5, #7 and #8 were the "best" comparable sales. 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." Appellants 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 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains information on nine sales provided by the parties with two common sales presented by both parties. The evidence in the record disclosed that several of the appellants' 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 sales provided by the parties had varying degrees of similarity to the subject property. The appellants' sales, which appear to each have elements of being distressed or compulsory sales set the low end of the range. The sale #2 identified by the township assessor appears to be more

indicative of an arm's length transaction reflective of fair cash value and set the upper end of the range. The Board gives most weight to the appellant's sales #1, #2, #3, #5, #7 and #8 along with board of review sale #2. These seven comparables sold between May 2014 and July 2015 for prices ranging from \$7,500 to \$81,500 or from \$6.87 to \$74.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$73,392 or \$56.46 per square foot of living area, including land, which is within 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 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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