



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

APPELLANT: Gloria Langston
DOCKET NO.: 15-00498.001-R-1
PARCEL NO.: 21-14-12-310-028-0000

The parties of record before the Property Tax Appeal Board are Gloria Langston, 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: \$1,404
IMPR.: \$3,916
TOTAL: \$5,320

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 townhome of frame construction with 898 square feet of living area. The dwelling was constructed in 1974. Features of the townhome include a concrete slab foundation, central air conditioning and a 272 square foot garage. The property is within Monterey Village Townhomes and 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 five comparable sales located from .03 to .57 of a mile from the subject. The comparables are improved with two-story dwellings that contained either 888 or 898 square feet of living area. The dwellings were constructed in 1970. Each comparable has a slab foundation and four comparables have central air conditioning. One of the comparables also has a garage of 272 square feet of building area. The sales occurred from April 2014 to July 2014 for prices ranging from \$9,000 to \$14,900 or from \$10.14 to \$16.78 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 \$10,084 to \$17,399.

Based on this evidence the appellant requested the subject's assessment be reduced to \$4,203 to reflect a market value of \$12,610.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$11,924. The subject's assessment reflects a market value of \$35,862 or \$39.94 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 appellants' sales were "Special Warranty Deed and/or Bank REO, buyer/seller is a financial institution or government agency." In support of these assertions copies of the PTAX-203 Illinois Real Estate Transfer Declaration for these sales were submitted; each of the documents indicate that the property was advertised prior to sale. The township assessor contends that each of these sales was "low" due to the nature of the sale.

In support of the assessment the assessor identified three comparable sales. These comparables are improved with two-story frame dwellings ranging in size from 1,148 to 1,625 square feet of living area. The dwellings were 16 to 43 years old. Two of the comparables have unfinished basements and each has central air conditioning. One comparable has a fireplace and two of the comparables have garages of 280 and 406 square feet of building area, respectively. The sales occurred between April 2013 and March 2015 for prices ranging from \$17,000 to \$80,000 or from \$14.81 to \$49.23 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 #1 is substantially larger than the subject with a full basement; sale #2 is almost 4 miles from the subject along with being newer, larger and having a full basement; and sale #3 sold in 2013 which is too remote in time to be indicative of the subject's estimated market value as of January 1, 2015.

Counsel further indicated that the appellant's comparables 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." 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 eight sales provided by the parties. The evidence in the record disclosed that the appellant's sales were sold as 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 eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to each of the board of review sales. Each of the comparables are substantially larger than the subject dwelling and one is substantially newer with additional features. But for the dated nature of board of review comparable sale #3, this was the most similar property to the subject presented by the board of review.

The sales provided by the parties had varying degrees of similarity to the subject property. The appellant's sales, which appear to each have elements of being distressed or compulsory sales, set the low end of the range. Comparable sale #3 identified by the township assessor which sold in April 2013 for \$17,000 sets the upper end of the range. The Board gives most weight to the sales provided by the appellant as these comparables appear to be most similar to the subject in size, foundation and most features. Furthermore, given the dates of sale from April 2014 to July 2014 appear to be more representative of market in relation to the valuation date at issue of January 1, 2015. These comparables sold for prices ranging from \$9,000 to \$14,900 or from \$10.14 to

\$16.78 per square foot of living area, including land. The subject's assessment reflects a market value of \$35,862 or \$39.94 per square foot of living area, including land, which is above the range established by the appellant's comparable sales along with giving consideration to board of review sale #3 that occurred in April 2013. The Board finds that the subject dwelling is several years newer than each of the appellant's comparable sales which warrants an upward adjustment for superior age of the subject. 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

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