



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

APPELLANT: Mohamed & Naila Jeddy
DOCKET NO.: 15-00507.001-R-1
PARCEL NO.: 21-14-13-103-053-0000

The parties of record before the Property Tax Appeal Board are Mohamed & Naila Jeddy, the appellants, 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: \$1,453
IMPR.: \$13,547
TOTAL: \$15,000

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 two-story brick and frame townhouse constructed in 1970 containing 1,480 square feet of living area. Features of the home include a full unfinished basement and central air conditioning. The subject is in University Park, 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 properties. They are described as 2-story townhomes built between 1970 and 1975 containing 1,480 square feet of living area each. They feature basements, three with finished area, and central air conditioning. The comparables are located within .19 of a mile from the subject. No information on site size was submitted by the appellants. The comparables sold between July 2014 and 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.

Based on this evidence, the appellants requested the total assessment be reduced to \$5,881 or a market value of approximately \$17,645 or \$11.92 per square foot of living area including land at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,239. The subject's assessment reflects a market value of \$60,869 or \$41.13 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.

With respect to the appellants' evidence, the township assessor states that six of the appellants' comparables are sheriff's deed, bank REO and/or court ordered sales and are not market sales. The board of review also disclosed two of the comparables sold twice, most recently in 2015 for \$27,500 and \$45,000, which further supports that the 2014 sale prices do not represent market value.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. They are described as 2-story frame townhouses that contain either 1,567 or 1,625 square feet of living area. They range in age from 16 to 43 years of age. They feature unfinished basements and central air conditioning. Two have fireplaces and garages. The sites range in size from 2,609 to 59,157 square feet of land area. No information was submitted by the board of review regarding proximity to the subject, although the comparables are in different neighborhoods than the subject. These comparables sold 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.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants stated board of review comparables #2 and #3 are located almost four miles from the subject and are newer than the subject. Counsel also acknowledged that appellants' comparables #3 and #4 had multiple sales. Counsel further argued 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' counsel argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

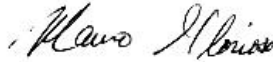
Conclusion of Law

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 met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The parties submitted 11 comparable sales for the Board's consideration. The Board gave less weight to the appellants' comparables #6, #7 and #8 based on their finished basements as compared to the subject's unfinished basement. The Board also gave less weight to the 2014 sales of appellants' comparables #3 and #4 and more weight to the 2015 sales of these comparables. The Board also gave less weight to board of review comparables based on their newer age, 2013 sale date and/or distance from the subject. The Board finds the best evidence of market value to be appellants' comparables #1, #2, and the 2015 sales of appellants' comparables #3 and #4. These comparables were similar to the subject in location, style, exterior construction, age and features. They sold from December 2014 to June 2015 for prices ranging from \$18,500 to \$45,000 or from \$12.50 to \$30.41 per square foot of living area, including land. The subject's assessment reflects a market value of \$60,869 or \$41.13 per square foot of living area, including land, which is not supported by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment based on overvaluation 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

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: March 20, 2018



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

Mohamed & Naila Jeddy, 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