



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

APPELLANT: Michael Dean
DOCKET NO.: 15-00508.001-R-1
PARCEL NO.: 21-14-01-101-001-0000

The parties of record before the Property Tax Appeal Board are Michael Dean, 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 **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: \$6,251
IMPR.: \$20,202
TOTAL: \$26,453

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 one-story frame dwelling constructed in 1954 on a slab foundation. The dwelling contains 1,080 square feet of living area. The subject is on an 11,218 square foot site located in Park Forest, 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 properties. They are described as one-story dwellings on slab foundations built between 1953 and 1957. Each contains 1,092 square feet of living area. Five feature central air conditioning and one has a 280 square foot garage. The comparables are located from .05 to .60 of a mile from the subject. No information on site size or external construction was submitted by the appellant. The comparables sold between

September 2014 and January 2015 for prices ranging from \$15,130 to \$42,000 or from \$13.86 to \$38.46 per square foot of living area including land¹.

Based on this evidence, the appellant requested the total assessment be reduced to \$11,757 or a market value of approximately \$35,275 or \$32.66 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 \$26,453. The subject's assessment reflects a market value of \$79,558 or \$73.66 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 appellant's evidence, the township assessor states that six of the appellant's comparables are special warranty deed, bank REO and/or short sales and are not market sales. The board of review also disclosed three of the comparables sold more recently than the sale reported by the appellant. Appellant's comparable #2 sold in May 2016 for \$54,000, comparable #7 sold in May 2016 for \$50,000 and comparable #8 sold in February 2015 for \$82,500.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. They are described as one-story frame dwellings on slab foundations that contain either 1,092 or 1,144 square feet of living area. They range in age from 60 to 64 years of age. They feature central air conditioning and garages the range in size from 320 to 360 square feet of building area. The comparables sites range in size from 7,026 to 7,442 square feet of land area and are located in the same neighborhood as the subject, one on the same street. These comparables sold in March 2014 and February 2015 for prices ranging from \$75,000 to \$111,161 or from \$65.56 to \$101.80 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 appellant stated board of review comparables #1 and #3 were not advertised for sale and are therefore not arm's length sales. Counsel attached PTAX-203 Illinois Real Estate Transfer Declarations to support the claim. 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." Appellant's 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 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

¹ The board of review reported that appellant's comparables #2, #7 and #8 sold more recently than the appellant's reported sale.

construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellant's 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 appellant's 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 record disclosed that appellant's comparables #1, #2, #3, #4, #5 and #7 were foreclosure or short sales. These properties set the lower end of the price range from \$15,130 to \$40,000 or from \$13.86 to \$36.63 per square foot of living area, including land. It is questionable whether these six sales are truly reflective of fair cash value when compared to the more recent sales of appellant's comparables #2, #7 and #8 for prices ranging from \$50,000 to \$82,500 or from \$49.45 to \$75.55 per square foot of living area, including land. The Board gave less weight to board of review comparables #1 and #3 based on their not being advertised for sale. The Board finds the best evidence of market value to be board of review comparable #2 and the 2015 sale of appellant's comparable #8. These comparables are similar to the subject in location, style, dwelling size, age and some features. They sold in February 2015, within two months of the subject's assessment date, for \$81,500 and \$82,500 or for \$74.63 and \$75.55 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$79,558 or \$73.66 per square foot of living area, including land, which is well 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 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

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

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