



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

APPELLANT: Eugene Carter Gerretse
DOCKET NO.: 15-06846.001-R-1
PARCEL NO.: 19-09-07-303-046-1001

The parties of record before the Property Tax Appeal Board are Eugene Carter Gerretse, 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 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:	\$497
IMPR.:	\$19,168
TOTAL:	\$19,665

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a final administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 residential condominium unit with 1,025 square feet of living area. The unit is in a building of frame and brick construction that was built in 1975. The property is in Mokena, Frankfort Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales improved with residential condominium units that range in size from 900 to 1,048 square feet of living area. The condominiums were built from 1970 to 1978. Comparables #1 through #3 were located in the subject's condominium and comparable #4 was located .73 miles from the subject property. The sales occurred from October 2014 to December 2015 for prices ranging from \$42,000 to \$59,000 or from \$46.67 to \$58.16 per square foot of living area. Based on this evidence the appellant requested the subject's assessment be reduced to \$17,588.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,191. The subject's assessment reflects a market value of \$84,785 or \$82.72 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 on five comparable sales identified by the township assessor that were improved with condominium units that range in size from 904 to 1,288 square feet of living area and were built from 1970 to 2006. These properties sold from January 2012 to December 2013 for prices ranging from \$83,900 to \$102,500 or from \$75.97 to \$98.86 per square foot of living area.

In rebuttal the township assessor asserted that each sale provided by the appellant was Real Estate Owned (REO). The assessor also contends that appellant's comparables #2, #3 and #4 sold in 2015 and should be stricken because they sold outside of the assessment data period from 2012 through 2014. The township assessor submitted the first page of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each of the appellant's sales disclosing each property was advertised.

In rebuttal the appellant's counsel argued section 16-183 of the Property Tax Code provides that the Property Tax Appeal Board is to consider compulsory sales. Counsel also argued each sale identified by the assessor should not be considered as the sale dates were not proximate in time to the assessment date at issue. Additionally, counsel stated that board of review comparables #1, #4 and #5 were located approximately 6 miles from the subject property and comparable #3 is 31 years newer than the subject property.

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 Board finds the best evidence of market value to be the appellant's comparable sales. The comparables were relatively similar to the subject in location, age, size and features. The record showed that the appellant's comparables were REO (real estate owned). 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 the appellant's sales in revising and correcting the subject's assessment.

The appellant's comparables were similar to the subject property in location, age, size and features. These comparables sold proximate in time to the assessment date at issue for prices ranging from \$42,000 to \$59,000 or from \$46.67 to \$58.16 per square foot of living area. The subject's assessment reflects a market value of \$84,785 or \$82.72 per square foot of living area, which is above the range established by the appellant's comparable sales. Less weight was given the board of review comparables as they sold in 2012 and 2013, not as proximate in time to the assessment date at issue as were the appellant's comparable sales. Additionally, three of the comparables used by the board of review were located approximately 6 miles from the subject property and one comparable was 31 years newer than the subject property, which detracts from the weight that can be given these sales. 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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: April 23, 2019



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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