



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

APPELLANT: Minerva Badar
DOCKET NO.: 16-00435.001-R-1
PARCEL NO.: 07-01-31-301-030-0000

The parties of record before the Property Tax Appeal Board are Minerva Badar, the appellant, by Dennis D. Koonce, Attorney at Law in Frankfort; 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: \$26,582
IMPR.: \$96,333
TOTAL: \$122,915

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 2016 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 dwelling of brick and frame exterior construction with 2,998 square feet of living area. The dwelling was constructed in 2003. Features of the home include an unfinished basement, central air conditioning and 672 square foot garage. The property has a 10,626 square foot site and is located in Plainfield, Wheatland Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 20, 2015 for a price of \$260,000. The appellant completed Section IV – Recent Sale Data of the appeal indicating the parties to the transaction were not related, the property was sold through a realtor and the property was advertised through the Multiple Listing Service (MLS). The appellant provided a copy of the settlement statement identifying the seller as Christina Trust, a division of Wilmington Savings Fund Society, as Trustee for Normandy Mortgage Loan Trust, Series 2013-

10 and the purchase price of \$260,000. The appellant also provided a copy of the MLS listing of the subject property, which identified the property as being REO/Lender Owned whereas the “seller has verbally accepted an offer” and a listing market time of 60 days. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$122,915. The subject's assessment reflects a market value of \$369,558 or \$123.27 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Will County of 33.26% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted a statement from the Wheatland Township Assessor and information on five comparable sales located from .04 to .33 of a mile from the subject and in the same neighborhood code as the subject as defined by the local assessor. The assessor asserted the subject's transaction was a foreclosure/REO sale. The five comparable sales were improved with two-story dwellings of brick and frame exterior construction ranging in size from 2,551 to 3,350 square feet of living area. The dwellings were constructed from 2003 to 2005. Each comparable has a basement, one of which has finished area. Four of the comparables have central air conditioning. The comparables each have a fireplace and a garage ranging in size from 698 to 841 square feet of building area. The comparables sold from August 2015 to April 2017 for prices ranging from \$364,000 to \$455,000 or from \$119.74 to \$128.43 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The appellant provided evidence that the subject property was purchased in April of 2015 for a price of \$260,000 while the board of review submitted information on five comparable sales in support of the assessment. The Board gives less weight to the sale of the subject property as the evidence disclosed that the property was the subject matter of a foreclosure and was sold by the Christina Trust, a division of Wilmington Savings Fund Society, as Trustee for Normandy Mortgage Loan Trust, Series 2013-10, which calls into question the arm's length nature of the transaction and whether the purchase price of \$260,000 or \$86.72 per square foot of living area, including land, is indicative of fair cash value. Furthermore, the Multiple Listing Service sheet disclosed the seller had verbally accepted an offer calling into question the market exposure for the subject dwelling. The board of review provided five sales in the same neighborhood code as the subject property as defined by the local assessor. The Board gave less weight to board of review comparables #4 and #5 due their sales being less proximate in time to the January 1, 2016 assessment date. The remaining three properties were similar to the subject in location, dwelling

size, design, age and features. These properties sold for prices ranging from \$364,000 to \$455,000 or from \$119.74 to \$135.82 per square foot of living area. The subject's assessment reflects a market value of \$369,558 or \$123.27 per square foot of living area, including land, which falls within the range established by the most similar comparables in the record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the estimated market value as reflected by the assessment is supported and no reduction in the subject's assessment is warranted.

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: May 21, 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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