



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

APPELLANT: AH4R-IL 11 LLC
DOCKET NO.: 16-00640.001-R-1
PARCEL NO.: 21-14-20-212-030-0000

The parties of record before the Property Tax Appeal Board are AH4R-IL 11 LLC, the appellant, by attorney Michael R. Davies of Ryan Law LLP in Chicago; 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: \$9,775
IMPR.: \$45,913
TOTAL: \$55,688

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 one-story dwelling of frame exterior construction with 1,556 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full finished basement, central air conditioning, a fireplace and an 843 square foot garage. The property has a 13,042 square foot site and is located in Monee, Monee Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted limited evidence in Section IV – Recent Sale Data of the Residential Appeal petition disclosing the subject property was purchased in November 2013¹ from the Will County Sheriff for a price of \$128,001. Appellant's legal counsel was requested to provide additional information to complete the appeal within 30 days. Appellant's counsel failed to respond by the

¹ The PTAX-203 Illinois Real Estate Transfer Declaration submitted by the board of review disclosed the date of the Sheriff's Deed as July 2012 and the document was recorded in November 2013.

established deadline. Nonetheless, the appeal was accepted and the board of review was simultaneously, but separately, notified of its duty to respond to the appeal within 90 days. Based on this limited recent sale 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 \$55,688. The subject's assessment reflects a market value of \$167,432 or \$107.60 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 response to the appeal, the board of review submitted a letter prepared by the Monee Township Assessor. The assessor submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration that relates to the subject's sale. The transfer declaration disclosed that the subject property was not advertised for sale and the transaction was a court-ordered sale, auction sale and the buyer is a real estate investment trust.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales that are located in the same neighborhood as the subject property. The comparables are improved with one-story dwellings of frame exterior construction that were built between 1997 and 2001. The homes range in size from 1,402 to 1,691 square feet of living area. The comparables each have a basement with one having finished area. Each comparable has central air conditioning and a garage ranging in size from 420 to 468 square feet of building area. In addition, one comparable has a fireplace. The dwellings are situated on sites ranging in size from 8,068 to 10,750 square feet of land area. The sales occurred from July 2015 to May 2016 for prices ranging from \$165,000 to \$180,000 or from \$98.76 to \$125.54 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 parties submitted data on the sale of the subject disclosing the date of the Sheriff's Deed as July 2012 and the recorded document date of November 2013 and four comparables sales to support their respective positions before the Property Tax Appeal Board.

The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue. Furthermore, the appellant failed to fully complete Section IV – Recent Sale Data of the appeal and provide evidence demonstrating the purchase had the elements of an arm's-length transaction particularly where the seller was the Will County Sheriff which suggests that there may have been duress involved in the transaction.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were similar to the subject in location, dwelling size, design, age and most features. These properties sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$165,000 to \$180,000 or from \$98.76 to \$125.54 per square foot of living area, including land. The subject's assessment reflects a market value of \$167,432 or \$107.60 per square foot of living area, including land, which is within the range established by the board of review comparable sales. Based on this record the Board finds the subject property is not overvalued and a reduction in the subject's assessment is not 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: October 15, 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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