



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

APPELLANT: Tom Leu
DOCKET NO.: 16-01092.001-R-1
PARCEL NO.: 21-14-01-100-025-0000

The parties of record before the Property Tax Appeal Board are Tom Leu, the appellant, by Jessica Hill-Magiera, Attorney at Law 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: \$5,814
IMPR.: \$19,241
TOTAL: \$25,055

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 single-family dwelling of frame exterior construction with 1,092 square feet of living area. The dwelling was constructed in 1954 on a slab foundation. Features of the home include central air conditioning and a garage containing 440 square feet of building area. The property has a 7,304-square foot site and is located in Park Forest, Monee Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant completed Section IV of the residential appeal petition indicating that the sale was not between family or related corporations, was sold by a realtor through a multiple listing and was not a compulsory sale. The appellant submitted a Settlement Statement disclosing the subject property was purchased on March 28, 2014 for a price of \$29,600. The appellant also submitted a multiple listing sheet indicating that the property was on the market for five months prior to its sale. In the alternative, in support of the overvaluation argument, the appellant submitted

information on eight sale comparables located within .3 of a mile from the subject. The comparables are described as one-story single-family dwellings of unspecified exterior construction each containing 1,092 square feet of living area. The dwellings were built from 1953 to 1957 on slab foundations. Five comparables feature air conditioning and each has a garage ranging in size from 280 to 484 square feet of building area. The comparables' lot size was not disclosed, however they each had identical land market value. The comparables sold from May 2015 to April 2016 for prices ranging from \$7,500 to \$44,600 or from \$6.87 to \$40.84 per square foot of living area, including land. 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 \$25,055. The subject's assessment reflects a market value of \$75,331 or \$68.98 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 information on three comparable sales located within the same neighbor code as the subject. The comparables are improved with one-story single-family dwellings of frame exterior construction containing 1,092 square feet of living area. The dwellings range in age from 60 to 65 years old. Two comparables feature central air conditioning and all three comparables have a garage ranging in size from 280 to 352 square feet of building area. The properties have sites ranging in size from 7,011 to 7,441 square feet of land area. The comparables sold in March 2014 or February 2015 for prices ranging from \$81,500 to \$111,161 or from \$74.63 to \$101.80 per square foot of living area, including land. In addition, the board of review submitted a letter prepared by the township assessor contesting the sales submitted by the appellant and contending that the board of review sales are more reflective of market value. The board of review did not refute the subject's recent sale argument. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

In a written rebuttal, counsel for the appellant argued that board of review comparable #1 should be given little or no weight and that the best sales comparables in evidence are appellant's eight sales along with board of review sales #2 and #3. The counsel for appellant additionally contends that the Board's use of range of sale prices is subjective and flawed. The appellant's counsel contends 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 further 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 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.

With regard to the appellant's "recent sale" argument, the Board finds that the sale met all the elements of an arm's-length transaction. However, the Board gives little weight to the subject's sale along with board of review comparable sale #1 due to their sales occurring in March 2014 which is too distant in time from the subject's January 1, 2016 assessment date and thus less indicative of market value. The Board gives less weight to appellant's comparable #7 as it is an outlier based on its sale price being significantly lower than the remaining comparables.

The Board finds the best evidence of market value in the record to be the eight comparable sales submitted by appellant along with the board of review comparable sales #2 and #3 (the same comparables as proposed by appellant's counsel in rebuttal). These comparables were similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold from February 2015 to April 2016 for prices ranging from \$21,200 to \$81,500 or from \$19.41 to \$74.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$75,331 or \$68.98 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this record, the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment 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(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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