



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

APPELLANT: Joanna Spyra
DOCKET NO.: 16-01163.001-R-1
PARCEL NO.: 12-02-16-307-013-0000

The parties of record before the Property Tax Appeal Board are Joanna Spyra, 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: \$14,800
IMPR.: \$72,900
TOTAL: \$87,700

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 is improved with a two-story dwelling with a brick and vinyl exterior containing 2,278 square feet of living area. The dwelling was constructed in 1999. Features of the home include a basement, central air conditioning, one fireplace and a two-car attached garage. The property has a 10,399 square foot site and is located in Bolingbrook, DuPage Township, Will County.

The appellant contends overvaluation and assessment inequity with respect to the improvement as the bases of the appeal. In support of the overvaluation argument the appellant submitted information on seven comparable sales improved with two-story dwellings that range in size from 1,928 to 2,424 square feet of living area. The dwellings were constructed in 1998 and 1999. Each comparable has a basement and a two-car attached garage. Three properties are located within the same subdivision as the subject property. The sales occurred from February 2015 to July 2016 for prices ranging from \$132,001 to \$269,000 or from \$62.65 to \$110.97 per

square foot of living area, including land. Based on these sales the appellant requested the subject's assessment be reduced to \$80,992 to reflect a market value of \$243,000.

With respect to the assessment equity argument the appellant provided information on eight comparables located in the subject's subdivision. Each comparable is improved with a two-story dwelling that have either 2,424 or 2,449 square feet of living area. The homes were built in 1998 and 1999. Each comparable is described as having a basement. The comparables have improvement assessments ranging from \$60,200 to \$78,100 or from \$24.84 to \$32.22 per square foot of living area. The appellant's analysis indicated the comparables have building assessments reflecting market values ranging from \$74.51 to \$96.67 per square foot of living area. The appellant indicated the subject's improvement assessment reflects a market value of \$100.36 per square foot of living area. Based on this argument the appellant requested the subject's total assessment be reduced to \$71,372.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$91,000. The subject's assessment reflects a market value of \$273,602 or \$120.11 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. The subject property has an improvement assessment of \$76,200 or \$33.45 per square foot of living area.

With respect to the overvaluation argument the board of review submitted information on four comparable sales improved with two-story dwellings with vinyl or brick and vinyl exteriors that range in size from 1,612 to 2,107 square feet of living area. The dwellings were built in 1998 and 2000. Each home has a partial basement with two having finished area, central air conditioning, and a garage ranging in size from 400 to 435 square feet of building area. Three comparables have fireplaces. One comparable is also described as having a shed. These properties have sites ranging in size from 8,178 to 11,105 square feet of land area with one being located in the subject's subdivision. The sales occurred from May 2014 to August 2016 for prices ranging from \$199,500 to \$264,000 or from \$123.76 to \$127.44 per square foot of living area, land included.

In response to the assessment equity argument the board of review provided three comparables improved with two-story dwellings with brick and vinyl exteriors each with 2,278 square feet of living area. The comparables are located in the subject's subdivision and were built in 1998 and 1999. Each comparable has a basement, central air conditioning, a fireplace and garage with either 420 or 630 square feet of building area. Their improvement assessments range from \$71,300 to \$76,800 or from \$31.30 to \$33.71 per square foot of living area.

In rebuttal the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with appellant's comparable sale #1 disclosing this was a court ordered sale, the property was sold through an auction, and the purchaser was a real estate investment trust. The property was transferred via a Sheriff's Deed. The PTAX-203 Illinois Real Estate Transfer Declaration associated with appellant's comparable sale #2 disclosed this property was a bank REO (real estate owned) and the seller was the Federal Home Loan Mortgage Corporation. The PTAX-203 Illinois Real Estate Transfer Declaration associated with appellant's comparable sale #3 disclosed this property was a bank REO (real estate owned) and

the seller was the Federal National Mortgage Association. The board of review asserted that appellant's comparable sales #1 through #3 are invalid sales while the remaining sales are valid. It further stated the subject has a full look out basement while appellant's sales #4 & #6 are part crawl space and appellant's sales #5 & #7 are regular full basements that don't cost as much as a look out basement. It also commented that the subject property backs to a park district as does appellant's comparable sale #5, appellant's comparable #4 backs to high power lines, and appellants comparable sale #6 and #7 have regular lots.

With respect to the appellant's equity comparables, the board of review asserted the analysis does not consider amenities other than size and basement.

In rebuttal the appellant asserted that pursuant to section 16-183 of the Property Tax Code (35 ILCS 200/16-183) the Property Tax Appeal Board is to consider compulsory sales. The appellant also contends the board of review sales are not comparable due to date of sale, location and/or differences from the subject in size.

The appellant also contends the board of review equity comparables support a reduction in the subject's assessment.

Conclusion of Law

The appellant contends in part assessment inequity with respect to the improvement assessment. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code 1910.63(e). After an analysis of the assessment data, the Board finds the appellant has met this burden and a reduction in the assessment is warranted on this basis.

The record contains eleven equity comparables for the Board's consideration all located in the subject's subdivision and relatively similar to the subject in style, age and size. Only board of review equity comparable #1 has a higher improvement assessment on a square foot basis than the subject property. This property has a larger garage than the subject property that may account for the higher improvement assessment. The remaining comparables have improvement assessments ranging from \$24.84 to \$32.35 per square foot of living area. Board of review equity comparables #2 and #3 are most similar to the subject in size and have improvement assessments of \$32.35 and \$31.30 per square foot of living area, respectively. The subject's improvement assessment of \$33.45 per square foot of living area falls above the range established by ten of the comparables in this record and above the two comparables that are most similar to the subject in size. Based on this record the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement assessment was inequitable and a reduction in the subject's assessment is justified.

The appellant also argued in part 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 a further reduction in the subject's assessment on this basis is not justified.

The record contains eleven sales submitted by the parties to support their respective positions. The Board finds the best evidence of market value to be appellant's comparable sales #4 through #7 and board of review sale #2. These properties were similar to the subject in age, size and location. These most similar comparables sold for prices ranging from \$227,000 to \$269,000 or from \$106.67 to \$125.30 per square foot of living area, including land. The subject's assessment as revised based on assessment equity reflects a market value of \$263,680 or \$115.75 per square foot of living area, including land, when using the 2016 three-year average median level of assessment for Will County of 33.26%, which is within the range established by the best comparable sales in this record. Less weight was given the remaining sales due to the size, date of sale and/or circumstances surrounding the sales calling into question the arm's length nature of the transactions. Based on this evidence the Board finds a further reduction in the subject's assessment based on overvaluation 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



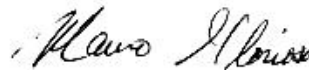
Member

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: August 20, 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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