



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

APPELLANT: Barbara Peda
DOCKET NO.: 16-01170.001-R-1
PARCEL NO.: 12-02-02-103-028-0000

The parties of record before the Property Tax Appeal Board are Barbara Peda, 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 **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: \$18,000
IMPR.: \$88,650
TOTAL: \$106,650

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 and one-half story dwelling of brick and cedar exterior construction with 3,860¹ square feet of living area. The dwelling was constructed in 1990. Features of the home include a basement with finished area, central air conditioning, a fireplace and a 550 square foot garage. The property has a 15,496 square foot site and is located in Bolingbrook, DuPage 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 January 30, 2015 for a price of \$269,000 or \$69.69 per square foot of living area, including land. The appellant

¹ The appellant reported the subject's dwelling size as 3,508 square feet, while the board of review reported the subject's dwelling size as 3,860 square feet. The Board finds the best evidence of dwelling size was presented by the board from the property record and photographs which indicated the subject has an additional 352 square feet of living are in the finished attic.

completed Section IV–Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record which was James and Lori Cooke as reported in the Settlement Statement and PTAX-203 Real Estate Transfer Declaration submitted by the appellant. Also, the parties to the transaction were not related and the property was advertised by a realtor through the Multiple Listing Service. Additionally, the Multiple Listing Sheet submitted by the appellant indicated the subject property was as short sale and was listed on the market for 12 days. A copy of the Settlement Statement reflects the purchase price, date of sale and the distribution of broker's fees to two entities. 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 \$142,100. The subject's assessment reflects a market value of \$427,240 or \$110.68 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 appellant's evidence, the board of review submitted a statement from the township assessor that the appellant's basis for appeal was recent sale, comparable sales and assessment equity. The assessor indicated that the subject received a year reduction to the invalid sale price in 2015, then was raised back to be equitable with the subdivision and received a 1.0425 township multiplier. The assessor also argued that the subject is one of the largest homes in St. Andrews Wood subdivision and that the appellant's appraisal is biased and should not be considered due to many errors and adjustments that were not made. Lastly, the board of review submitted property record cards of the subject and the comparables along with photographs of the subject property.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located in the same neighborhood as the subject. The comparables consist of multi-level dwellings that were built from 1986 to 2001. The dwellings range in size from 2,062 to 3,170 square feet of above grade living area and are situated on lots ranging in size from 11,149 to 16,559 square feet of land area. Features of each comparable include central air conditioning, a fireplace and a garage ranging in size from 450 to 995 square feet of building area. The comparables sold from April 2014 to November 2015 for prices ranging from \$277,500 to \$392,000 or from \$109.12 to \$138.94 per square foot of living area, including land. Based on the foregoing evidence, the board of review indicated it was willing to stipulate to a revised assessment of \$121,610.

In rebuttal, appellant's attorney submitted a brief rejecting the stipulation by the board of review. Then, the appellant's attorney argued that the board of review incorrectly stated that the appellant's appeal is based on recent sale, comparable sales and assessment equity. However, the appeal is based only on recent sale. Second, the board of review incorrectly stated that the appellant submitted an appraisal as evidence, but the appellant only submitted evidence relevant to the basis of the appeal which was recent sale. Third, the appellant's attorney asserted that since the board of review did not dispute the recent sale of the subject property or contest its validity, the board of review's evidence was neither responsive or relevant to the basis of the appeal.

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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the subject property was purchased on January 30, 2015 for a price of \$269,000 or \$69.69 per square foot of living area, including land. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 12 days when it sold for an amount more than the asking price. However, the record further disclosed that the transaction was a short sale. The Board finds some weight should be given to the sale of the subject property.

The board of review submitted information on six comparable sales that were smaller than the subject dwelling but similar in location, age and features. Two of the sales occurred in 2014 and were given less weight due to the transactions not being proximate in time to the January 1, 2016 assessment date. The remaining comparables sold for prices ranging from \$277,500 to \$392,000 or from \$109.12 to \$131.90 per square foot of living area, including land. Although smaller in dwelling size, each property sold for more than the subject property and support the conclusion that the subject's purchase price is an outlier. Nevertheless, after considering the purchase of the subject property and the recommendation of the board of review, the Property Tax Appeal Board finds a reduction is appropriate.

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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