



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

APPELLANT: Elice DeRoos
DOCKET NO.: 16-01205.001-R-1
PARCEL NO.: 14-12-12-102-010-0000

The parties of record before the Property Tax Appeal Board are Elice DeRoos, the appellant, by Mary Kate Gorman, Attorney at Law 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 **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: \$24,750
IMPR.: \$114,443
TOTAL: \$139,193

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 2-story dwelling of frame and masonry exterior construction with 2,635 square feet of living area. The dwelling was constructed in 1997. Features of the home include an unfinished basement, central air conditioning, a 901 square foot attached garage, a 1,072 square foot detached garage and an in-ground swimming pool. The property has a 69,740 square foot site and is located in Manhattan, Manhattan Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant's counsel submitted evidence disclosing the subject property was purchased on November 15, 2013 for a price of \$418,500. The appellant completed Section IV - Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record which was Steven and Jayne Leinweber as reported in the Settlement Statement (HUD-1) submitted by the appellant. Also, the parties to the transaction were not related and the property was advertised for sale by a realtor for approximately one month through the Multiple Listing

Service. A copy of the Settlement Statement reflects the purchase price, date of sale and depicts the distribution of broker's fees to two entities. The appellant's attorney also submitted a brief in support of the appeal. 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 \$146,950. The subject's assessment reflects a market value of \$441,822 or \$167.67 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 two grid analyses, one with three equity comparables and one with four sales comparables. The equity data will not be addressed further since it is unresponsive to the appellant's overvaluation appeal.

The board of review submitted four comparable sales located between .50 of a mile and 3 miles from the subject property. The comparables were improved with a part 1.5-story and part 1-story dwelling and three, 2-story dwellings of masonry or frame and masonry exterior construction ranging in size from 2,518 to 3,128 square feet of living area. The dwellings were constructed from 1979 to 2015. The comparables each feature an unfinished basement, central air conditioning and a garage ranging in size from 520 to 802 square feet of building area. Additionally, three comparables each have one or two fireplaces. The comparables have sites ranging in size from 13,155 to 435,600 square feet of land area. The properties sold from March to November 2015 for prices ranging from \$392,425 to \$530,500 or from \$141.11 to \$210.64 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board gave no weight to the three equity comparables submitted by the board of review as this evidence does not address the appellant's market value argument.

The Board finds the best evidence of market value to be the purchase of the subject property in November 2013 for a price of \$418,500. Although the sale is somewhat dated, the appellant provided evidence demonstrating the sale had the 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 had been advertised on the open market through the Multiple Listing Service. In further support of the transaction, the appellant submitted a copy of the Settlement Statement (HUD-1). The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that

the purchase price was reflective of market value. The Board also finds board of review comparable sales #2, #3 and #4 are dissimilar in age, location and land area when compared to the subject. The Board finds the remaining comparable submitted by the board of review was the only timely comparable sale that was truly comparable to the subject in location, size, design, age and features. However, one comparable sale does not overcome the weight of the subject's arm's length sale transaction. The Board finds the subject's purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of \$418,500 as of January 1, 2016. Since market value has been determined the 2016 three-year average median level of assessment for Will County of 33.26% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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: November 19, 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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