



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

APPELLANT: IH4 Property Illinois LP  
DOCKET NO.: 16-01214.001-R-1  
PARCEL NO.: 07-01-05-105-009-0000

The parties of record before the Property Tax Appeal Board are IH4 Property Illinois LP, the appellant, by attorney Jeffrey G. Hertz of Sarnoff & Baccash 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:** \$16,505  
**IMPR.:** \$38,509  
**TOTAL:** \$55,014

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 two-story single-family dwelling of frame exterior construction with 1,774 square feet of living area. The dwelling was constructed in 1999. Features of the home include central air-conditioning, a concrete slab foundation and a 420 square foot garage.<sup>1</sup> The property has a 6,534 square foot site and is located in Wheatland 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 December 30, 2014 for a price of \$147,700. The appellant completed Section IV of the Residential Appeal Form disclosing that the property was purchased from Richard Foster. It was not a sale between related parties. It was listed with a realtor and advertised for sale through the Multiple Listing Service

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<sup>1</sup> The information regarding central air-conditioning was gleaned from the MLS sheet submitted by appellant.

(MLS). The appellant included a copy of the MLS Listing Sheet showing that the property was originally listed for \$160,000 but sold for \$147,700 after over 6 months on the market. In addition, the appellant submitted a copy of the Warranty Deed conveying the property from Richard Foster to the appellant. The appellant's attorney also submitted a brief in support of his argument that the sale was an arm's length transaction. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of \$147,700 or \$83.25 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,800. The subject's assessment reflects a market value of \$182,802 or \$103.05 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 eight comparable sales of properties located in the same subdivision as the subject. The comparables are located from .04 to .33 of a mile from the subject and consist of two-story single-family dwellings of frame exterior construction built from 1997 to 1999. The dwellings range in size from 1,674 to 1,854 square feet of living area. Seven of the comparables have either a full or a partial basement; seven comparables have central air conditioning; two comparables each have a fireplace; and each comparable has a garage ranging in size from 412 to 430 square feet of building area. The comparables sold from May 2014 to July 2017 for prices ranging from \$200,000 to \$250,000 or from \$109.11 to \$142.65 per square foot of living area, including land. The board of review submitted a brief stating that the subject's assessment was lowered to its purchase price for the 2015 assessment year but was brought back up to the market value using sales from within the subdivision that are similar to the size and style of the subject. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's attorney submitted a brief in which he contends that the board of review comparables are all superior to the subject property and only one of the board of review comparables has no basement, like the subject, and that four of the eight sales took place in March 2017 or later.

### **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 finds the comparables submitted by the board of review were all superior to the subject in amenities such as full or partial basements. Further, seven of the comparables sold remotely in time in comparison to the subject's January 1, 2016 assessment date making those sales less indicative of the fair market value as of that date.

The Board finds the best evidence of market value to be the purchase of the subject property on December 30, 2014 for a price of \$147,700. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The board of review did not contest the validity of the sale or provide any proof that it was anything other than an arm's length transaction. The board of review stated that the subject's assessment had been reduced to the purchase price for the 2015 assessment year, but for the 2016 assessment year, they brought the "subject's market value back in line using sales from within the subdivision that are similar to this size and style of home." Although the comparables submitted by the board of review were similar to the subject in size and style, they were far superior in amenities. Based on this record, the Board finds a reduction is 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.

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Chairman



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Member



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Member

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Member



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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: September 17, 2019



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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

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