



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

APPELLANT: IH5 Property Illinois LP
DOCKET NO.: 16-01224.001-R-1
PARCEL NO.: 12-02-08-307-007-0000

The parties of record before the Property Tax Appeal Board are IH5 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 **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: \$11,700
IMPR.: \$63,900
TOTAL: \$75,600

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 1,820 square feet of living area. The dwelling was constructed in 1990. Features of the home include a full unfinished basement, central air conditioning, and a 385-square foot garage. The property has an 8,809 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 a bank-owned property purchased through foreclosure on January 29, 2015 for a price of \$161,504. The appeal petition indicated the property was advertised for sale on the Multiple Listing Service (MLS) for 133 days and that the sale was not between related parties. Appellant submitted a copy of MLS listing sheet showing the property was originally listed for \$213,900 on September 7, 2014 and a contract for

\$161,504 was entered into on or about January 12, 2015. Appellant also submitted a copy of the Settlement Statement showing that commissions were paid to two Realtors at closing, along with a brief in support of his position that this 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.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$75,600. The subject's assessment reflects a market value of \$227,300 or \$124.89 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 of properties located in the same subdivision as the subject. The comparables are located from .06 to .22 of a mile from the subject and consist of two-story single-family dwellings of frame exterior construction. The dwellings were built from 1991 to 2001 and contain 1,820 or 2,075 square feet of living area. Two comparables have full basements with finished area; one comparable has a partial unfinished basement with a crawl space foundation. Each comparable has central air conditioning and a garage containing 385 or 870 square feet of building area. Two of the comparables are Amhurst models, like the subject, and sold for a higher price per square foot than the subject's current value. The three comparables sold from December 2015 to August 2016 for prices ranging from \$239,900 to \$270,000 or from \$130.12 to \$137.36 per square foot of living area, including land. The board of review also submitted a brief asserting that the "subject received a one year reduction to the invalid sale price in 2015." The brief further argued the sale was invalid since the subject was a bank-owned property sold through foreclosure, and as it was sold under duress, the sale is not indicative of the property's fair cash value. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted evidence regarding the subject's 2015 sale and three comparable sales to support their respective positions before the Property Tax Appeal Board.

The Board gave less weight to the subject's sale price as the subject was a bank-owned property and sold through foreclosure for a significantly lower price than the most similar comparable sales in the record, indicating that the sale was not a true arm's length transaction. The Board also gave less weight to board of review comparable #3 which is a newer dwelling with a different basement style, no basement finished area, and a larger garage when compared to the subject.

The Board finds the best evidence of market value in the record to be board of review comparables #1 and #2. These comparables are Amhurst model homes, like the subject, and were similar to the subject in location, design, age, and most features. These properties sold proximate in time to the assessment date at issue for prices of \$239,900 and \$250,000 or \$131.81 and \$137.36 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$227,300 or \$124.89 per square foot of living area, including land, which is below the best comparable sales in the record, even though both of these homes feature a finished basement area, superior to the subject. After adjusting the comparables for differences in some features when compared to the subject, the Board finds 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: September 17, 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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