



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

APPELLANT: Eugene Carter Gerretse
DOCKET NO.: 16-07580.001-R-1
PARCEL NO.: 19-09-07-303-046-1003

The parties of record before the Property Tax Appeal Board are Eugene Carter Gerretse, 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: \$515
IMPR.: \$19,425
TOTAL: \$19,940

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from the 2015 assessment year decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) allowing for a direct appeal in order to challenge 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 condominium unit built in 1975 with 832 square feet of living area. The subject is located in Mokena, Frankfort Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of overvaluation, the appellant submitted information on three comparable sales located within .06 of a mile of the subject property. The comparables are described as condominium units built between 1971 and 1978 ranging in size from 922 to 986 square feet of living area. One comparable features central air conditioning. The comparables sold from July 2015 to February 2016 for prices ranging from \$45,000 to \$66,000 or from \$45.64 to \$68.61 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's assessment

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$23,719. The subject's assessment reflects a market value of \$71,314 or \$85.71 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 appeal, the board of review submitted a memorandum and data prepared by the Frankfort Township Assessor. In the memorandum, the assessor provided copies of the PTAX-203 Illinois Real Estate Transfer declarations associated with the sale of the appellant's comparables which disclosed the appellant's comparable #1 was a Bank REO (real estate owned) transaction. The assessor agreed that the appellant's comparables #2 and #3 were good comparables. The township assessor asserted that a stipulation was offered to adjust the subject's assessment to the rollover request plus factor and was told to "See you at PTAB."¹ The township also argued that "This two tier approach to come back to the trough and abuse the system on one REO sale is a complete mockery of the PTAB system."

In support of its contention of the correct assessment, the board of review through the township assessor submitted a grid analysis with limited information on five comparable sales. The locations of these comparables in relation to the subject property were not provided. The comparables consist of condominium units ranging in size from 904 to 1,288 square feet of living area that were constructed from 1970 to 2006. One comparable was reported to be a second-floor unit and four of the comparables were reported to be first-floor units. As part of its submission, the board of review provide the PTAX-203 Illinois Real Estate Transfer Declarations associated with four of the comparable sales. The comparables sold from January 2012 to November 2013 for prices ranging from \$83,900 to \$102,500 or from \$75.97 to \$98.86 per square foot of living area, including land.

In written rebuttal, counsel for the appellant contended that the comparable sales presented by the assessor/board of review sold in 2012 and 2013, which are too remote in time to establish market value as of January 1, 2016. Furthermore, board of review comparables #1, #4 and #5 are located more than 5.71 miles from the subject as shown in the Google Map report provided by the appellant. In a rebuttal grid analysis, counsel reiterated that the appellant's comparables are the three best comparable sales in the record and contended the subject's assessment should be reduced.

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.

¹ Neither party disclosed whether the subject was an owner-occupied residence. Based on this record the Property Tax Appeal Board finds that the subject property is not entitled to the "rollover" provision provided under section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in not applicable.

The parties submitted eight suggested comparable sales for the Board's consideration. The Board gave less weight to the appellant's comparable #1 as it was a Bank REO sale which calls into question the arm's length nature of the transaction and whether the sale price is reflective of fair cash value as demonstrated by its lower sale price in relation to the other two comparables cited by the appellant. The Board finds the five comparables submitted by the board of review have sale dates occurring in 2012 and 2013 which are dated and less likely to be indicative of the subject's market value as of the January 1, 2016 assessment date. Furthermore, board of review comparables #1, #4 and #5 are located more than 5.71 miles from the subject.

The Board finds the best evidence of market value to be comparable sales #2 and #3 submitted by the appellant. These comparables were similar to the subject in location, dwelling size and age. These comparables sold in July 2015 and February 2016 for prices of \$45,000 and \$66,000 or for \$58.16 and \$68.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$71,314 or \$85.71 per square foot of living area, including land, which is greater than the most similar comparables in the record. Based on this evidence the Board finds a 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



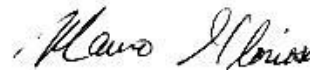
Member

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: June 16, 2020



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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