



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

APPELLANT: Dustin & Tricia Kooy
DOCKET NO.: 17-00219.001-R-1
PARCEL NO.: 17-09-28-106-012

The parties of record before the Property Tax Appeal Board are Dustin & Tricia Kooy, the appellants, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, and the Kankakee 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 **Kankakee** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$3,468
IMPR.: \$16,110
TOTAL: \$19,578

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kankakee County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2017 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-story dwelling of frame exterior construction with 760 square feet of living area.¹ The dwelling was constructed in 1958 and has a reported effective age of 1959. Features of the home include a crawl-space foundation, central air conditioning and a detached 240 square foot garage which was built in 1991. The property has a 5,805 square foot site and is located in Bradley, Bourbonnais Township, Kankakee County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants partially completed Section IV – Recent Sale Data of the residential appeal petition disclosing the subject property was purchased on November 8, 2016 for a price of \$21,000. The appellants' counsel reported that the subject property was purchased from the owner of record. Also, the

¹ Appellants' counsel failed to complete Section III – Description of Property; descriptive data has been drawn from the property record card and evidence provided by the board of review.

parties to the transaction were not related and the property was advertised through a "sign, internet and/or auction." A copy of the Settlement Statement similarly reflects the purchase price and that the Wells Fargo Bank, N.A. was the seller; however, the settlement date is November 7, 2016. A copy of the PTAX-203 Illinois Real Estate Transfer Declaration related to the sale was submitted depicting that the property was advertised and transferred via Special Warranty Deed with a total sale price of \$21,000 based on an instrument dated November 2016. Based on this evidence, the appellants 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 \$19,578. The subject's assessment reflects a market value of \$58,740 or \$77.29 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for Kankakee County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appellants' overvaluation argument based upon recent sale data, the board of review also submitted copies of a memorandum from the township assessor, a grid of "comparable sales" along with applicable property record cards, citation to the Property Tax Code, a copy of the Sheriff's Report of Sale and Distribution dated September 18, 2013, and an Order Approving Foreclosure dated December 11, 2013 and a copy of the Special Warranty Deed recorded November 8, 2016. The assessing officials contend the sale of the subject was not an arm's-length transaction. Furthermore, the assessor contends that the subject has been rehabbed and is a rental property. Based on comparable sales data, the assessor recommended a reduction in the subject's total assessment to \$18,092.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located in the same East Bradley neighborhood as the subject. The comparables have sites ranging in size from 5,787 to 6,042 square feet of land area. The comparables consist of one-story dwellings of frame exterior construction ranging in size from 784 to 920 square feet of living area. The homes were built between 1946 and 1953 with effective ages reported to range from 1964 to 1971. Features of each comparable include a concrete slab or a crawl-space foundation, central air conditioning and a garage ranging in size from 512 to 720 square feet of building area. The comparables sold between October 2015 and October 2016 for prices ranging from \$63,500 to \$69,900 or from \$73.67 to \$81.51 per square foot of living area, including land. Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellants argued that the board of review did not dispute the recent sale of the subject property and did not provide any evidence that the recent sale was not valid. The appellants argued that the sale of the subject meets the criteria of an arm's-length transaction in that it was advertised for sale and the sale was not between related parties.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the evidence disclosed that the appellants purchased the subject property from Wells Fargo Bank, N.A. on November 7, 2016 for a price of \$21,000. The appellants provided evidence demonstrating the sale had elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the owner, the property had been advertised for sale through a sign, internet and/or auction. In further support of the transaction, the appellants submitted a copy of the settlement statement and PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds, however, the fact the property was sold by Wells Fargo Bank, N.A. after a sheriff's sale, calls into question whether the purchase price is reflective of fair cash value.

Furthermore, the Board finds the board of review provided three sales similar to the subject property in location, style, age and features; the Board has given reduced weight to board of review sale #3 which sold in October 2015, a date most remote in time from the assessment date at issue of January 1, 2017. Two of the board of review properties sold during 2016 for prices of \$63,500 and \$69,900 or for \$73.67 and \$75.98 per square foot of living area, including land, respectively. The Board finds these sales demonstrate the subject's purchase price of \$21,000 or \$27.63 per square foot of living area, land included, is not representative of fair cash value. The Board finds that the subject's assessment reflecting market value of \$58,740 or \$77.29 per square foot of living area, including land, is supported after considering adjustments to the best comparable sales provided by the board of review. The subject dwelling is smaller than the two best comparable sales presented by the board of review. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. Therefore, the Board finds no reduction in the subject's assessment is warranted on this record.

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

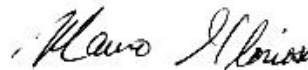
DISSENTING: _____

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:

April 21, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Dustin & Tricia Kooy, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Kankakee County Board of Review
County Administration Building
189 East Court Street 1st Floor
Kankakee, IL 60901