



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

APPELLANT: Dustin & Tricia Kooy  
DOCKET NO.: 17-00221.001-R-1  
PARCEL NO.: 17-09-18-208-021

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 **A Reduction** 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:** \$4,162  
**IMPR.:** \$22,502  
**TOTAL:** \$26,664

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 construction with 1,086 square feet of living area. The dwelling was constructed in 1958. Features of the home include a concrete slab foundation, central air conditioning and a 360 square foot attached garage. The property has an 8,156 square foot site and is located in Bourbonnais Township, Kankakee County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased in February 2017 for a price of \$80,000, the parties to the transaction were not related and the property was sold by the owner through the internet, sign and/or auction. Two items of supporting documentation were also filed. A copy of the Settlement Statement was filed depicting the date and purchase price reported by the appellants. A copy of the PTAX-203 Real Estate Transfer Declaration was filed

depicting that the subject property was advertised for sale. 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 \$31,864. The subject's assessment reflects a market value of \$95,602 or \$88.03 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 support of the subject's assessment, the board of review submitted information on three comparable sales described as one-story dwellings of frame construction ranging in size from 932 to 1,028 square feet of living area. The dwellings were constructed from 1951 to 1959. Each comparable has a concrete slab foundation, central air conditioning and an attached or detached one-car or two-car garage ranging in size from 260 to 428 square feet of building area. The properties are situated on sites ranging in size from 5,417 to 8,161 square feet of land area. The comparables sold from March 2015 to June 2016 for prices ranging from \$85,000 to \$92,500 or from \$89.98 to \$93.88 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in February 2017 for a price of \$80,000. The appellants provided evidence demonstrating the sale had the elements of an arm's-length transaction. The appellants completed part of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the property was advertised for sale and sold by the owner. In further support of the transaction the appellants submitted a copy of the Settlement Statement and the PTAX-203 Real Estate Transfer Declaration.

Based on this record, the Board finds the purchase price of \$80,000 is below the market value of \$95,602 as reflected by the assessment. The Property Tax Appeal 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. Furthermore, the Property Tax Appeal Board gave less weight to the board of review comparable sales as these sales do not overcome the subject's arm's-length sale price. In addition, two of these sales sold

in 2015, not proximate in time to the January 1, 2017 assessment date. Based on this record the Board finds a reduction in the subject's assessment commensurate with the appellants' request 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.



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

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