



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

APPELLANT: Dustin & Tricia Kooy
DOCKET NO.: 17-00226.001-R-1
PARCEL NO.: 17-08-24-104-007

The parties of record before the Property Tax Appeal Board are Dustin & Tricia Kooy, the appellants, by attorney Jessica Hill-Magiera 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: \$3,904
IMPR.: \$22,093
TOTAL: \$25,997

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 bi-level dwelling of frame exterior construction with 1,702 square feet of above-grade living area.¹ The dwelling was constructed in 1972. Features of the home include a concrete slab foundation, central air conditioning and a 276 square foot garage. The property has a 19,252 square foot site and is located in Bourbonnais, 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 on January 21, 2016 for a price of \$78,000 and the parties to the transaction were not related. Two items of supporting documentation were also filed. A copy of the Settlement Statement was filed depicting the date

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

of the sale as January 15, 2016 and purchase price as reported by the appellant with a cash sale and that the seller was U.S. Bank, N.A. This document also depicts that broker's fees were paid to two entities. A copy of a Multiple Listing Service data sheet was filed depicting that the property had an original asking price of \$114,900 and sold for \$78,000 after having been on the market for 132 days. 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 \$40,834. The subject's assessment reflects a market value of \$122,514 or \$71.98 per square foot of above-grade 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 its contention of the correct assessment, the board of review submitted information on three comparable sales, two of which are located in the same neighborhood as the subject. The comparables have sites ranging in size from 10,184 to 22,324 square feet of land area. The comparables consist of tri-level dwellings of frame exterior construction ranging in size from 1,584 to 1,858 square feet of above-grade living area that were built from 1959 to 1978. One comparable features a concrete slab foundation and two comparables each have a part crawl space and part concrete slab foundation. In addition, each comparable has central air conditioning and a garage ranging in size from 288 to 624 square feet of building area. The comparables sold from October 2014 to June 2016 for prices ranging from \$149,000 to \$169,000 or from \$83.06 to \$94.07 per square foot of above-grade living area, including land. In addition, the board of review provided property record cards for the subject and each comparable. In further support, the board of review submitted copies that included a statutory reference of the Illinois Property Tax Code requirements for valuations, a Special Warranty Deed and PTAX-203 Illinois Real Estate Transfer Declaration of the subject property that disclosed the seller was U.S. Bank, N.A., the property was advertised for sale and reflects the purchase price, date of sale, the transaction was a Bank REO (real estate owned) and that the property transferred by Special Warranty Deed. 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 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 January 2016 for a price of \$78,000. The appellants provided evidence demonstrating the sale had the 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 and the property had been advertised on the open market through the Multiple Listing Service. In further support of the transaction, the appellants submitted a copy of the settlement statement. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the subject's sale transaction. In addition, the assessing officials did not refute the contention that the purchase price was reflective of market value. The Board finds the purchase price of \$78,000 is below the market value of \$122,514 as reflected by the assessment. 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. Moreover, the three comparables submitted by the board of review have dissimilar tri-level designs and/or are older in age when compared to the subject. In addition, comparables #1 and #2 sold in 2014 and 2015 which are less proximate in time to the January 1, 2016 assessment date thus less likely to reflect the subject's market value as of the assessment date at issue. Based on this record the Board finds the subject property had a market value of \$78,000 as of January 1, 2017. Since market value has been determined the 2017 three-year average median level of assessment for Kankakee County of 33.33% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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

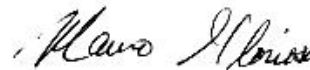
DISSENTING: _____

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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