



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

APPELLANT: Dustin & Tricia Kooy
DOCKET NO.: 17-00227.001-R-1
PARCEL NO.: 17-09-07-407-011

The parties of record before the Property Tax Appeal Board are Dustin & Tricia Kooy, the appellants, by attorney 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: \$5,202
IMPR.: \$44,245
TOTAL: \$49,447

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 part one-story and part split-level dwelling of frame exterior construction with 1,680 square feet of above-grade living area.¹ The dwelling was constructed in 1976. Features of the home include a partial crawl-space foundation, a 600 square foot finished lower level, central air conditioning and a 437 square foot garage. The property has a 9,880 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 partially completed Section IV of the residential appeal petition disclosing the subject property was purchased on March 9, 2016 for a price of \$86,000. The appellants' counsel reported that the subject property was purchased from the owner of record. Also, the parties to the transaction

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.

were not related and the property was advertised through the Multiple Listing Service (MLS). A copy of the Settlement Statement similarly reflects the purchase price and that the Bank of America N.A. was the seller; however, the settlement date is March 7, 2016. A copy of a document titled "Winning Bidder Confirmation" disclosed the subject was purchased at an auction on February 5, 2016 for a price of \$86,000 with a closing date of March 4, 2016. Based on this evidence, the appellants 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 \$49,447. The subject's assessment reflects a market value of \$148,356 or \$88.31 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 its contention of the correct assessment, the board of review submitted information on three comparable sales located in the same neighborhood as the subject. The comparables have sites ranging in size from 9,946 to 10,064 square feet of land area. The comparables consist of part one-story and part split-level dwellings of frame exterior construction each containing 1,680 square feet of above-grade living area and were built in 1973. Features of each comparable include a partial crawl-space foundation, a 600 square foot finished lower level, central air conditioning and a garage ranging in size from 437 to 506 square feet of building area. The comparables sold in either June or July 2016 for prices ranging from \$151,500 and \$179,000 or from \$90.18 to \$106.55 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. The board of review also submitted copies that included a statutory reference on "comparable sales," a Quit Claim Deed and PTAX-203 Real Estate Transfer Declaration of the subject property that disclosed the seller was Bank of America, N.A., the property was not advertised for sale and reflects the purchase price, date of sale, the transaction was a Bank REO (real estate owned), auction sale, the seller/buyer is a financial institution and that the property transferred by Special Warranty Deed, however the copy of the deed is titled Quit Claim 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellants argued the subject property was overvalued based on its recent sale. The appellant 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 of record, the property had been advertised on the open market by sign, internet and/or auction. However, the appellants did not disclose how long a period of time the subject property was advertised for sale. In further support of the transaction, the appellants submitted a copy of the settlement statement and a document titled "Winning Bidder Confirmation". The Board finds, however, the fact the property was REO (real estate owned) sold by Bank of America, N.A. calls into question whether the purchase price is reflective of fair cash value. The Board finds the board of review provided three sales with identical dwelling sizes and designs as the subject and also similar to the subject property in location, age and features. These three properties sold from in either June or July 2016 for prices ranging from \$151,500 and \$179,000 or from \$90.18 to \$106.55 per square foot of above-grade living area, including land. The Board finds these sales demonstrate the subject's purchase price of \$86,000 or \$51.19 per square foot of above-grade living area, land included, is not representative of fair cash value. After considering the sale of the subject property and the sales provided by the board of review, the Board finds that the subject's assessment reflecting a market value of \$148,356 or \$88.31 per square foot of above-grade living area, including land, is well supported. Therefore, the Board finds no reduction in the subject's assessment 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



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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