



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

APPELLANT: Dustin & Tricia Kooy
DOCKET NO.: 17-00228.001-R-1
PARCEL NO.: 17-09-17-104-032

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: \$5,202
IMPR.: \$32,661
TOTAL: \$37,863

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 situated on an 8,320-square foot lot. The dwelling was constructed in 1975 and contains 1,136 square feet of living area. Features of the home include a crawl space foundation, central air-conditioning and a 288-square foot attached garage. The property is located in Bourbonnais Township, Kankakee County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants completed section IV of the residential appeal petition disclosing the subject property was purchased on October 4, 2016 for \$68,000. The appeal petition indicated that the sale was not between related parties and that the property was advertised for sale but does not disclose for how long or in what manner it was advertised. The appellants also submitted copies of the Settlement Statement (HUD-1) and PTAX-203 Illinois Real Estate Transfer Declaration. The

settlement statement shows no realtor's commission was paid at closing, but a \$3,400 payment was made to auction.com. The HUD also shows that an owner's title policy was issued for the \$68,000 purchase price and a lender's title policy was issued for \$86,000 of which \$18,000 was characterized as "Holdback funds for Improvements." The PTAX-203 shows the seller as Wells Fargo Bank NA and Section 10 indicates that the property was "Bank REO (real estate owned)" and "Seller/Buyer is a financial institution or government agency." Based on this evidence, the appellants requested the subject's total assessment be reduced to \$22,664, which reflects an estimated market value of \$68,000 or \$59.85 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,604. The subject's assessment reflects a market value of approximately \$118,824 or \$104.60 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, two of which are located in the same neighborhood as the subject. The comparables consist of one-story single-family dwellings of frame construction. The dwellings were built between 1972 and 1978 and range in size from 1,025 to 1,288 square feet of living area. The comparables each have a crawl space foundation, central air conditioning and an attached garage containing 264 to 440 square feet of building area. One comparable has a fireplace. The comparables sold from August 2015 to September 2016 for prices ranging from \$109,900 to \$140,000 or \$97.42 to \$110.24 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, appellants' attorney submitted a brief in which she contends that the board of review did not dispute the recent sale of the subject property or contest its validity. She further argued that the recent sale meets the fundamental criteria of an arm's length transaction in that the property 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 proven 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 that based on the evidence submitted in this record a reduction in the subject's assessment is warranted.

The parties submitted evidence regarding the 2016 sale of the subject property and three suggested comparable sales for the Board's consideration. The Board gave less weight to board of review comparable #1 which features a fireplace and a larger garage than the subject and, according to the property record card, is located in a different neighborhood than the subject.

The Board finds the best evidence of market value in the record to be the October 2016 sale of the subject property along with the board of review's remaining two comparable sales which

were similar to the subject in location, design, age, size and most features. These properties sold in September 2016 and August 2015 for \$109,900 and \$113,000. The subject's assessment reflects a market value of approximately \$118,824. The subject sold in October 2016 for only \$68,000 and the settlement statement shows \$18,000 was held back at closing for improvements, which tends to demonstrate that the dwelling was in need of repair or refurbishing at the time of purchase. The board of review did not provide any evidence as to whether the improvements were completed. After considering the sale of the subject property and making adjustments to the two comparables for any differences when compared to the subject, the Board finds a slight 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

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