



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

APPELLANT: Dustin & Tricia Kooy
DOCKET NO.: 17-00229.001-R-1
PARCEL NO.: 03-02-16-300-085

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: \$5,844
IMPR.: \$19,570
TOTAL: \$25,414

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 two-story single-family townhome dwelling of brick and frame construction with 1,292 square feet of living area. The dwelling was constructed in 1997. Features of the home include a crawl space foundation, central air conditioning and a 252-square foot garage. The property has a 2,736 square foot site and is located in Manteno 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 January 19, 2016 for a price of \$76,250. The appeal petition indicated the sale was not between related parties and that the property was advertised for sale on the Multiple Listing Service (MLS) by a Realtor. Appellants also submitted a copy of the MLS listing sheet showing the property was originally listed for sale on June 5, 2015 for \$114,900 and a contract was entered into on or about December 11, 2015 for

\$76,250, 190 days after its original listing. The listing sheet notes that the property was REO/Lender Owned. Appellants' counsel also submitted a copy of the Settlement Statement showing that the purchasers obtained a loan policy for \$94,700 and \$21,500 of the loan amount was held back for future improvements, along with a brief in support of her position that this was an arm's length transaction. 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 \$44,507. The subject's assessment reflects a market value of \$133,534 or \$103.35 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 the sales of four comparable properties located from .4 of a mile to 2.6 miles from the subject. The comparables consist of single-family dwellings of frame construction described on the property record cards as one condominium unit, one townhome, and two duplexes. The dwellings were built from 1994 to 2005 and range in size from 1,291 to 1,684 square feet of living area. Three comparables have crawl space foundations and one comparable has a concrete slab foundation. The comparables each have central air conditioning and a garage ranging in size from 257 to 462 square feet of building area. Three comparables each have a fireplace. Three of the dwellings, not including the condominium unit, are situated on sites ranging in size from 4,566 to 8,750 square feet of land area. The comparables sold from March 2016 to December 2016 for prices ranging from \$106,000 to \$160,000 or from \$82.11 to \$103.49 per square foot of living area, including land. The board of review submitted copies of the Sheriff's Certificate of Sale dated November 5, 2014 showing that Caliber Home Loans, Inc., was the highest bidder at public auction at \$124,403.26, the Order Approving Sale dated December 3, 2014, and the PTAX-203 showing that this was a bank-owned property. Based on this 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 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 gave less weight to the board of review's comparables, none of which are particularly similar to the subject. The four comparables differ from the subject in location, size, foundation type, dwelling type, design and/or amenities.

The Board finds the best evidence of market value in the record to be the purchase of the subject property in January 2016 for \$76,250. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. They submitted evidence disclosing that the parties to the transaction were not related, the property was sold using a Realtor, had been advertised on the open market with the Multiple Listing Service for 190 days before it sold. In further support of the transaction, the appellants submitted a copy of the HUD-1 Settlement Statement which shows that the seller was U.S. Bank, as Trustee, and a commission was paid to the Realtors.

The Board further finds that the board of review did not present any evidence to challenge the arm's length nature of the transaction or to effectively refute the contention that the purchase price was reflective of market value. Although the Settlement Statement shows that \$21,500 was held back at closing for future improvements, the board of review presented no evidence that those improvements had been completed. Based on this record, the Board finds the subject property had a market value of \$76,250 as of January 1, 2017 or \$59.02 per square foot. 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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