



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

APPELLANT: Michael Hasemann
DOCKET NO.: 17-00231.001-R-1
PARCEL NO.: 03-02-22-115-015

The parties of record before the Property Tax Appeal Board are Michael Hasemann, the appellant, 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: \$9,530
IMPR.: \$18,134
TOTAL: \$27,664

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 single-family dwelling of frame construction with 1,235 square feet of living area. The dwelling was constructed in 1990. Features of the home include a crawl space foundation, central air conditioning and a 576-square foot garage. The property has a 9,600 square foot site and is located in Manteno Township, Kankakee County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased January 21, 2016 for a price of \$83,000. The appeal petition indicated the property was advertised for sale on the Multiple Listing Service (MLS) and that the sale was not between related parties. Appellant submitted a copy of the MLS listing sheet showing the property was originally listed for sale on October 15, 2015 for \$115,000 and a contract was entered into on or about November 18, 2015 for \$83,000. The listing sheet notes that the property was being sold pursuant to a Short Sale and that it was a

bank approved listing price. The listing sheet states that the property needs some updates, the garage roof needs some work and the home is being sold As-Is and all offers are contingent on bank approval. Appellant also submitted a copy of the Purchaser's Statement showing that the purchaser obtained a loan policy for \$93,000 and \$10,000 of the loan amount was held back for future improvements, along with a brief in support of his position that this was an arm's length transaction. Based on this evidence, the appellant 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 \$44,879. The subject's assessment reflects a market value of \$134,650 or \$109.03 per square foot of living area, land included, when using the 2016 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 three comparable properties located within .5 of a mile from the subject. The comparables consist of one-story single-family dwellings of frame or brick construction. The dwellings were built from 1978 to 2000 and range in size from 1,360 to 1,613 square feet of living area. One comparable has an unfinished basement and two comparables have crawl space foundations. The comparables each have central air conditioning and a garage ranging in size from 414 to 528 square feet of building area. One comparable has a fireplace. The dwellings are situated on sites ranging in size from 11,400 to 13,324 square feet of land area. The comparables sold from January 2016 to June 2016 for prices ranging from \$106,000 to \$197,000 or from \$77.94 to \$122.13 per square foot of living area, including land. The board of review submitted a copy of the PTAX-203 which shows the subject property was sold pursuant to a short sale, along with an Order of Dismissal of the foreclosure case showing that the matter was solved through loss mitigation. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's 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 appellant contends 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 appellant 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 which differ from the subject in lot size, dwelling size, foundation type and/or age. The Board finds the best evidence of market value in the record to be the purchase of the subject property in January 2016 for \$83,000. The subject's assessment reflects a market value of \$134,650 or \$109.03 per square foot

of living area. As appellant's attorney argued, the recent sale appears to meet 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. Further, as a short sale and as disclosed by the MLS listing sheet submitted by the appellant, the purchase price was subject to bank approval, and, as shown by the Order of Dismissal submitted by the board of review, the sale price was sufficient to cause the foreclosure case to be dismissed. Therefore, based on this record, the Board finds a reduction in the subject's assessment to the purchase price 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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