



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

APPELLANT: Michael Hasemann
DOCKET NO.: 17-00232.001-R-1
PARCEL NO.: 17-09-20-316-020

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: \$4,162
IMPR.: \$39,167
TOTAL: \$43,329

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 1.5-story single-family dwelling of brick exterior construction with 2,168 square feet of living area. The dwelling was constructed in 1953. Features of the home include a partial basement, central air conditioning and a 480-square foot garage. The property has a 6,815 square foot site and is located in Bourbonnais 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 June 30, 2016 for a price of \$60,000. The appeal petition indicated the property was sold using a Realtor, 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 \$64,900 on May 17, 2016 and a contract for \$60,000 was entered into on or about June 15, 2016. Appellant also submitted a copy of the Settlement Statement showing that the seller was

Bank of America and commissions were paid to two Realtors at closing. The settlement statement also shows that an owner's policy was issued for the sale price of \$60,000 and that a loan policy was issued in the amount for \$89,000 of which \$29,000 were held back for future improvements. 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 \$59,856. The subject's assessment reflects a market value of \$179,856 or \$82.83 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 an appraisal of the property. The appraiser developed the sales comparison approach to value. The appraisal included data on six comparable properties located from .03 to .67 of a mile from the subject. The comparables sold from August 2015 to October 2016 for prices ranging from \$85,000 to \$119,987 or from \$68.11 to \$102.44 per square foot of living area, including land. After making adjustments to the comparables for various differences from the subject, the appraiser calculated adjusted sales prices ranging from \$111,850 to \$152,186 or from \$89.62 to \$120.93 per square foot of living area, including land. The appraiser noted that the property record card shows that a permit was issued on September 8, 2016 to finish the second story into a bedroom. He also noted that the MLS sheet shows the dwelling had 3 bedrooms at the time of sale but the Zillow rental listing now described the dwelling as recently rehabbed "with 4 good size bedrooms" and indicates that the dwelling has a large updated kitchen, with an island, new countertops and new appliances, and that the house has "brand new high efficiency furnace and AC". The appraiser's opinion of defined value as of December 31, 2016 was \$130,000.

In its brief, the board of review stated that, based on the opinion of value determined by its appraiser, it would agree to a reduced assessment of \$43,329, which reflects a market value of \$130,000 or \$59.96 per square foot of living area, land included. The proposed reduction was apparently rejected by the appellant as indicated by a copy of a stipulation agreement submitted into evidence signed only by the assessor. Based on this evidence, the board of review requested a reduction in the subject's assessment.

Appellant's counsel submitted rebuttal contending that the board of review did not challenge the arm's length nature of the sale but did not address the opinion of value reached in the board of review's appraisal.

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 that evidence supports a reduction in the subject's assessment.

The parties submitted evidence regarding the subject's 2016 sale and an appraisal to support their respective positions before the Property Tax Appeal Board.

The Board gave less weight to the subject's sale price as the subject property was extensively rehabbed subsequent to the June 2016 purchase but prior to the January 1, 2017 assessment date at issue. The record shows that in September 2016 a fourth bedroom was added on the second floor, the kitchen was remodeled, and new kitchen appliances and heating and air conditioning systems were added to the property.

The Board finds the best evidence of market value in the record to be the board of review's appraisal which valued the property at \$130,000 as of the December 31, 2016, subsequent to its remodeling. Further, the board of review acknowledged that the property's 2017 assessment of \$59,856 was too high in light of the appraisal and requested that subject's assessment be reduced \$43,329 to reflect the appraised value of \$130,000. Appellant's counsel did not contest the validity of the appraisal. After considering all of the evidence submitted for the Board's review, the Board finds a reduction in the subject's assessment commensurate with the concluded value arrived at in the board of review's appraisal 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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