



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

APPELLANT: Michael Hasemann
DOCKET NO.: 17-00234.001-R-1
PARCEL NO.: 17-09-16-404-012

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 **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: \$ 6,937
IMPR.: \$55,478
TOTAL: \$62,415

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 part one-story and part two-story single-family dwelling of vinyl siding exterior construction with 2,208 square feet of living area. The dwelling was constructed in 1998. Features of the home include a full basement, central air conditioning, a fireplace and a two-car garage. The property has a 10,244 square foot site and is located in Bourbonnais, 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 on November 4, 2016 for a price of \$68,500. The appellant partially completed Section IV – Recent Sale Data of the Residential Appeal petition wherein the appellant reported the parties to the transaction were not related, the property was sold by the "owner" and the property was advertised for sale by "sign, internet and/or auction." In further support of the transaction, the appellant provided a copy of

the Purchaser's Statement depicting a purchase price of \$68,500 along with various loan charges totaling \$63,674 for a "gross amount due by purchaser" of \$132,174. The appellant also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration reiterating the purchase price of \$68,500.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the asserted \$68,500 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$62,415. The subject's assessment reflects a market value of \$187,264 or \$84.81 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 response to the appellant's evidence, the board of review did not dispute that the subject property was purchased in November 2016 for \$68,500 but noted that the sale was "marked bad and was marked as an altered sale."

In support of its contention of the correct assessment the board of review submitted a drive-by appraisal report of the subject property prepared by Alvin L. "Chip" Wagner III, SRA, IFA, SCRIP, opining an estimated market value of \$195,000 as of December 31, 2016.

The appraiser described the prior distressed foreclosure sale of the subject property in November 2016 for \$68,500. Wagner further noted that improvements have been made to the subject property since the prior sale including cleaning and updating as verified by a rental listing on Zillow.com. The appraisal report further described the home reportedly has all new flooring throughout, new appliances, a new kitchen backsplash, new water heater, new sink and Moen faucets in the kitchen and bathrooms. Based upon the interior photos as displayed on Zillow.com, the appraiser opined the subject dwelling was in acceptable condition.

Using the sales comparison approach to value, the appraiser examined five comparable sales located within .77 of a mile of the subject property. The comparables have sites that range from 10,106 to 18,121 square feet of land area. The comparable properties are improved with two-story dwellings of vinyl siding or vinyl siding and brick exterior construction that were 14 to 18 years old. The dwellings range in size from 1,950 to 2,497 square feet of living area. Three of the comparables have full basements, two of which have finished areas; two comparables have crawl-space foundations. Each home has central air conditioning, four comparables each have a fireplace and each home has a two-car garage. The comparables sold between October 2015 and August 2016 for prices ranging from \$184,900 to \$227,000 or from \$79.70 to \$103.18 per square foot of living area, land included. After identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sales for differences in financing concessions, lot size, view, quality of construction, dwelling size, basement, basement finish and other features and discussed the adjustments in detail. The appraiser determined that the adjusted sale prices of the comparable properties ranged from \$190,900 to \$200,282, land included. From this data and analysis, the appraiser concluded an estimate of market value for the subject of \$195,000, including land, under the sales comparison approach to value.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, as the appeal was based upon "recent sale" the appellant contends that the board of review failed to provide any relevant evidence. The appellant also summarily contends that the elements of an arm's-length sale transaction have been satisfied on this record.

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) [Emphasis added].

In light of the Board's applicable procedural rules to establish market value, the Property Tax Appeal Board finds the appellant's rebuttal argument that the board of review failed to provide relevant evidence is erroneous. The basis of this appeal filed by the appellant is overvaluation; the appellant's effort to establish overvaluation was through presentation of a recent purchase price. The board of review's submission of an appraisal of the subject property is directly responsive to the appellant's overvaluation argument and is another method of establishing market value. On this record, the Board finds the appellant did not meet this burden of proof by a preponderance of the evidence and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record to be the appraisal of the subject property submitted by the board of review. The comparable sales in the appraisal were similar to the subject in location, style, construction, features, age and/or land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold between October 2015 and August 2016 for prices ranging from \$184,900 to \$227,000 or from \$79.70 to \$103.18 per square foot of living area, including land. The subject's assessment reflects a market value of \$187,264 or \$84.81 per square foot of living area, including land, which is within the range established by the unadjusted comparable sales in the appraisal report.

The Property Tax Appeal Board gave little weight to the subject's sale due to the fact the sale did not establish the elements of an arm's length transaction as the evidence that it was "advertised or exposed on the open market" was not fully supported on this record. The questionable nature of the sale transaction is further displayed in the Purchaser's Statement that was submitted by the appellant which raises questions about the nature of the sale transaction.

Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not 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

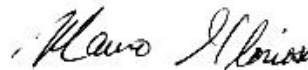
DISSENTING: _____

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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