



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

APPELLANT: Michael Hasemann  
DOCKET NO.: 17-00235.001-R-1  
PARCEL NO.: 17-09-15-300-004

The parties of record before the Property Tax Appeal Board are Michael Hasemann, the appellant, by attorney Jessica Hill-Magiera 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.:** \$20,962  
**TOTAL:** \$26,164

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 dwelling of frame construction with 1,392 square feet of living area. The dwelling was built in 1968. Features of the home include a full unfinished basement, central air conditioning, and an attached two-car garage with 400 square feet of building area. The property has an 18,666 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 February 10, 2017 for a price of \$78,500. The property was purchased from the Kenneth Smith Estate. The appellant indicated the parties were not related and the property was advertised for sale by signage, the internet and/or auction. The appellant did not disclose how long the property had been advertised prior to the purchase. To document the transaction the appellant submitted a copy of

the Purchaser's Statement and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration. 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 \$39,508. The subject's assessment reflects a market value of \$118,536 or \$85.16 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 improved with one-story dwellings of frame construction ranging in size from 1,222 to 1,392 square feet of living area. The dwellings were built from 1970 to 1978 and are located along the same street as the subject property. Each comparable has a crawl space foundation, central air conditioning and an attached two-car garage ranging in size from 480 to 520 square feet of building area. One comparable has a fireplace and an additional detached garage with 576 square feet of building area. The comparables have sites ranging in size from 8,906 to 26,903 square feet of land area. The sales occurred from June 2016 to December 2016 for prices of \$132,000 and \$159,900 or from \$94.83 to \$124.34 per square foot of living area, including land.

The board of review also submitted a copy of the transfer declaration and a copy of the Executor's Deed associated with the sale of the subject property. The board of review provided a statement from the township assessor asserting the sale was not an arm's length transaction because the property was transferred using an Executor's Deed. The assessor also argued the sale occurred after the January 1, 2017 assessment date and could not be used in the sales ratio study for the 2017 tax year.

The board of review requested the assessment be affirmed.

The appellant's counsel submitted a rebuttal statement asserting the board of review did not provided any evidence that the sale was not valid.

### **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). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in February 2017 for a price of \$78,500. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the property had been advertised for sale. In further support of the transaction the appellant submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the property had been advertised. As a final point, the Purchaser's Statement submitted by the appellant included an entry for "Funds Held for Improvements to BBT Series XVI, LLC" in the amount of \$25,500, which indicates the dwelling was in need of improvement at the time of purchase and may be the reason the subject's purchase price seems relatively low in relation to the sales provided by the board of review. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to truly challenge the arm's length nature of the subject's transaction or to refute the contention that the purchase price was reflective of market value. The board of review did submit information on three comparable sales that were relatively similar to the subject property, however, the board of review did not specifically articulate a reason or provide evidence to challenge the validity of the subject's sale. Based on this record the Board finds a 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

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