



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

APPELLANT: Sway 2014-1 Borrower
DOCKET NO.: 17-00389.001-R-1
PARCEL NO.: 05-06-02-116-010-0000

The parties of record before the Property Tax Appeal Board are Sway 2014-1 Borrower, the appellant, by attorney Michael R. Davies, of Ryan Law LLP in Chicago; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$9,450
IMPR.: \$44,800
TOTAL: \$54,250

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will 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 split-level dwelling of frame exterior construction with 1,680 square feet of living area. The dwelling was constructed in 1988 and has a 624 square foot finished basement and a 432 square foot crawl-space foundation. Features of the home include central air conditioning and a 576 square foot garage. The property has a 10,791 square foot site located in Joliet, Troy Township, Will County.

The appellant submitted evidence before the Property Tax Appeal Board making assessment inequity the basis of the appeal on the appeal form. However, the appellant also submitted sales information for the comparables. Therefore, the Board will analyze the appeal for overvaluation as well as equity. In support of the inequity claim, the appellant submitted a grid analysis of four assessment comparables. The appellant did not disclose the proximity of the comparables to the subject but did submit an aerial photograph depicting the general locations of the four

comparables. The comparables are described as two, split-level, and two, two-story dwellings ranging in size from 1,680 or 2,050 square feet of living area. They were built from 1978 to 1998. Two comparables feature partial basements with part crawl-space foundations, one is on a slab foundation, and one is reported to have no basement. They feature central air conditioning and three have garages. The comparables have improvement assessments ranging from \$40,300 to \$52,450 or from \$21.55 to \$29.14 per square foot of living area.¹ The comparables also sold from February to September 2016 for prices ranging from \$116,000 to \$165,000 or from \$56.59 to \$91.67 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,250. The subject's assessment reflects a market value of \$162,815 or \$96.91 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for Will County of 33.32% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$44,800 or \$26.67 per square foot of living area.

With respect to the appellant's evidence, the board of review submitted a letter from the township assessor comparing and contrasting both parties comparables to the subject and disclosing the appellant's comparable #4 is in a different township than the subject.

In support of its contention of the correct assessment, the board of review submitted a grid analysis of four comparables located in the same subdivision as the subject. They are described as split-level dwellings of frame or brick and frame exterior construction. The comparables were built between 1974 and 1981 and contain 1,680 square feet of living area each. The comparables feature partial basements with 624 square feet of finished area, central air conditioning and garages. One comparable features a fireplace. These comparables have improvement assessments ranging from \$40,300 to \$47,100 or from \$23.99 to \$28.04 per square foot of living area. The comparables also sold from July 2016 to May 2017 for prices ranging from \$160,000 to \$190,000 or from \$95.24 to \$113.10 per square foot of living area.² Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant argued assessment inequity as one of the bases of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant failed to meet this burden of proof.

¹ The appellant used the total assessment for comparable #4 in arriving at the improvement assessment per square foot of \$27.28. The correct improvement assessment for comparable #4 is \$21.55 per square foot of living area.

² The Property Record Card for board of review comparable #4 indicated the correct sale price is \$177,760, not \$17,760.

The Board gives less weight to the appellant's comparables #2, #3 and #4 based on location, dissimilar dwelling style and/or foundation type as compared to the subject. The Board gives more weight to appellant's comparable #1 and to the board of review comparables which are similar to the subject in location, style, age, dwelling size, exterior construction and several features. They have improvement assessments ranging from \$40,300 to \$47,100 or from \$23.99 to \$28.04 per square foot of living area. The subject property has an improvement assessment of \$44,800 or \$26.67 per square foot of living area, which is within the range established by the most similar comparables in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment is supported and no reduction in the subject's assessment based on inequity is warranted.

The Board also analyzed the appeal to determine whether or not the market value of the subject property is 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 did not meet this burden of proof.

The record contains seven comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparables #2, #3 and #4 based on location, dissimilar dwelling style and/or foundation type as compared to the subject. The Board gives more weight to appellant's comparable #1 and to the board of review comparables. These comparables are similar to the subject in location, design, exterior construction, age and dwelling size. They sold proximate in time to the subject's assessment date from February 2016 to May 2017 for prices ranging from \$130,000 to \$190,000 or from \$77.38 to \$113.10 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$162,815 or \$96.91 per square foot of living area including land, which is within the range established by the best comparable sales in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction in the subject's assessment is warranted.

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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