



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

APPELLANT: Andrei Nacu
DOCKET NO.: 17-01392.001-R-1
PARCEL NO.: 06-03-05-209-010-0000

The parties of record before the Property Tax Appeal Board are Andrei Nacu, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$21,831
IMPR.: \$53,162
TOTAL: \$74,993

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 is improved with a part two-story/part one-story frame dwelling containing 2,274 square feet of living area. The dwelling is 19 years old and features an unfinished basement, central air conditioning, a fireplace and a 440 square foot garage. The subject is situated on a site approximately 11,000 square feet in size located in Plainfield, Plainfield Township, Will County.¹

The appellant's appeal is based on overvaluation. In support of the overvaluation argument the appellant partially completed Section IV - Recent Sale Data of the appeal form reporting the

¹ The appellant did not complete Section III – Description of Property of the Appeal Form other than the dwelling size of 2,544 square feet of living area. The Board has drawn any descriptive data for the subject, not supplied by the appellant, from the board of review's submission. The board of review submitted a Property Record Card for the subject, which included a schematic diagram, disclosing the subject's dwelling size as 2,274 square feet of living area. The Board will use the board of review's dwelling size in its analysis.

subject was purchased from the owner of record on March 25, 2016 for \$225,000. The appellant reported the sale was by a realtor and was not between family or related corporations. The appellant disclosed the subject property was advertised through the Multiple Listing Service but did not disclose the length of time the subject was advertised. The appellant submitted a Property Detail sheet disclosing the sale information for the subject, and also submitted a Listing Sheet indicating the subject was originally listed for \$259,900, was reduced to \$254,900, and was sold for \$225,000 after 50 days on the market. The appellant did not submit a Settlement Summary or Real Estate Transfer Declaration. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$74,993 which reflects the subject's sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$78,630. The subject's assessment reflects a market value of \$235,984 or \$103.78 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.

In response to the appellant's evidence, the board of review submitted a letter from the township assessor stating the Will County Board of Review reduced the assessment to the 2016 sale amount plus the 2017 township multiplier of 1.0485.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales described as two-story or part two-story/part one-story dwellings of frame construction. The comparables are 16 to 20 years old and range in size from 1,800 to 2,604 square feet of living area. They feature unfinished basements, central air conditioning, one fireplace each and garages. The comparables sold from January through August 2016 for prices ranging from \$241,000 to \$322,000 or from \$116.61 to \$133.89 per square foot of living area land included. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney explained by the sale should be given more weight than the sales comparables.

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 appellant provided evidence that the subject property sold on March 25, 2016 for a price of \$225,000 or \$98.94 per square foot of living area, including land. The Board finds the appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant submitted documentation showing the property was purchased from individuals, the parties to the transaction were not related, the property was sold using a realtor, had been advertised and had been on the market 50 days prior to the sale. The Board finds the best

evidence of market value as of the assessment date at issue to be the purchase of the subject property in March 2016 for the price of \$225,000. The Board finds the purchase price is below the market value reflected by the assessment and further finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board gives less weight to the board of review comparable sales. These sales do not overcome the subject's arm's-length sale price. Therefore, a reduction in the subject's assessment commensurate with the appellant's request 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



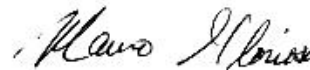
Member

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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