



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

APPELLANT: Brian Richards
DOCKET NO.: 17-01394.001-R-1
PARCEL NO.: 23-15-09-108-005-0000

The parties of record before the Property Tax Appeal Board are Brian Richards, 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 **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: \$12,476
IMPR.: \$62,157
TOTAL: \$74,633

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 one-story dwelling of brick and frame exterior construction with 2,158 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full finished walkout-style basement, central air conditioning, a fireplace and an attached 459 square foot garage. The property has an approximately 16,340 square foot site and is located in Crete, Crete Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant partially completed Section IV – Recent Sale Data of the appeal petition disclosing the subject property was purchased on February 29, 2016 for a price of \$169,900. The appellant reported the parties to the transaction were not related; the property was sold by a Realtor; and the property was advertised with the Multiple Listing Service (MLS). The appellant also provided a copy of the Closing Disclosure which included a summary of the sale transaction reiterating the purchase date and sale price along with a copy of the MLS listing sheet depicting the original

asking price of \$170,500 and that the property was on the market for 32 days. 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 \$74,633. The subject's assessment reflects a market value of \$223,989 or \$103.79 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 appeal, the board of review submitted a memorandum and data gathered by the Crete Township Assessor's Office. The assessor noted that the subject property sold via Sheriff's Deed on March 4, 2016 for \$169,000 [*sic*];¹ the assessor also acknowledged that for tax year 2016 the assessment was reduced to reflect the sale price "due to the owner providing us with damage information."

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales located in Crete and within .2 of a mile from the subject. The comparable parcels range in size from 16,406 to 17,144 square feet of land area and have each been improved with one-story dwellings of brick or brick and frame exterior construction. The homes were built from 1994 to 2000 and range in size from 2,269 to 3,000 square feet of living area. Each comparable has a basement, two of which have finished areas.² The dwellings feature central air conditioning, a fireplace and a garage ranging in size from 711 to 895 square feet of building area. The comparables sold from October 2015 to November 2016 for prices ranging from \$180,000 to \$291,000 or from \$60.00 to \$128.25 per square foot of living area, including land. Based upon the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant noted that the board of review did not dispute the recent sale of the subject property. The appellant further argued that the purchase of the subject property via Sheriff's Deed was a valid arm's-length transaction that was advertised and not sold between related parties. Furthermore, appellant argued that compulsory sales under the Property Tax Code are deemed to be valid sales (see 35 ILCS 200/1-23).

As to the board of review's suggested comparable sales, besides not being responsive to the appellant's recent sale argument, the appellant contended the evidence consists of properties that sold too remote in time and/or differ from the subject in dwelling size, basement size and/or garage size as to not be comparable. While the appellant also argues that at least one of the sales

¹ While the assessing officials report a slightly lower sale price than reported by the appellant, the board of review provided no substantive documentation such as the PTAX-203 Illinois Real Estate Transfer Declaration to support this reported sale price. The Board finds the only documentary evidence in the record of the sale price was provided by the appellant.

² The board of review submitted two grids detailing the same three comparable properties. In examining the data as to comparable #3, one grid indicates an unfinished basement and the other grid indicates a fully finished basement. Each grid refers to the attached property record card which, due to the reduced size presented, is illegible. The Board finds the best evidence is the more detailed data outlined in the second grid analysis indicating a finished basement.

supports a reduction in the subject's assessment, the appellant concludes that the subject's recent sale price is the best evidence of its fair market value.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellant provided evidence that the subject property was purchased approximately eleven months prior to the assessment date at issue for a price of \$169,900, which is less than the estimated market value of \$223,989 as reflected by the its assessment. The board of review provided three comparable sales in support of its contention of the correct assessment and noted that the subject property transferred via Sheriff's Deed when it sold as reported by the appellant.

The Property Tax Appeal Board gives less weight to board of review sale #1 as the property sold in October 2015, not as proximate in time to the assessment date at issue as the other sales in the record.

The Board finds the best evidence of market value in the record to be consideration of the purchase price of the subject property in February, 2016 for a price of \$169,900 or \$78.73 per square foot of living area along with board of review comparables #2 and #3 which are similar properties in terms of location, design, size and some other features when compared to the subject dwelling. The Board recognizes that the subject dwelling is superior to the comparables in age and the subject has a superior walkout-style basement which is not a feature of either of the comparable dwellings. The two comparable properties also sold more proximate in time to the assessment date at issue for prices of \$208,000 and \$291,000 or for \$86.59 and \$128.25 per square foot of living area, including land, which are both higher on a per-square-foot basis than the subject's recent purchase price. The subject's assessment reflects a market value of \$223,989 or \$103.79 per square foot of living area, including land, which is above the subject's purchase price but bracketed by the comparable sales in both in terms of overall value and on a per-square-foot value basis. After giving due consideration to the subject's purchase price, which appears to be low given the subject's newer age and superior walkout-basement feature as compared to nearby homes that are older and lack a walkout basement, the Board finds the subject's estimated market value as reflect by its assessment is supported. Thus, the Board finds that no reduction in the subject's assessment is warranted on this record.

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: June 16, 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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