



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

APPELLANT: Victor L. Lang
DOCKET NO.: 17-01469.001-R-1
PARCEL NO.: 21-14-13-212-014-0000

The parties of record before the Property Tax Appeal Board are Victor L. Lang, 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: \$5,138
IMPR.: \$6,552
TOTAL: \$11,690

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 frame construction with 988 square feet of living area. The dwelling was constructed in 1975. Features of the home include a concrete slab foundation and a 484 square foot garage. The property has an 8,114 square foot site and is located in Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales located within .77 of a mile from the subject. The comparables were constructed in 1970 and 1975 and improved with one-story dwellings ranging in size from 978 to 1,120 square feet of living area. Each comparable has a slab foundation and a garage ranging in size from 311 to 528 square feet of building area. Two comparables have central air conditioning. The sales occurred from February 2016 to April 2017 for prices ranging from \$18,000 to \$35,000 or from \$18.40 to \$35.79 per square foot of living

area, including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,652. The subject's assessment reflects a market value of \$73,986 or \$74.88 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 statement from the Monee Township Assessor along with additional data. The assessor contends the appellant's comparable sales #1, #2 and #5 are Bank REO (real estate owned) and special warranty deeds. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each sale that disclosed each comparable was advertised for sale.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales identified by the township assessor and are located within the same neighborhood as the subject. The comparables are improved with one-story dwellings of masonry exterior construction ranging in size from 1,120 to 1,634 square feet of living area. The dwellings were built from 1963 to 1975. Three comparables have full unfinished basements, one comparable has a concrete slab foundation, three comparables have central air conditioning and each comparable has a garage that ranges in size from 192 to 484 square feet of building area. These properties have sites ranging in size from 7,361 to 9,994 square feet of land area. The sales occurred from February 2015 to September 2017 for prices ranging from \$106,000 to \$120,000 or from \$70.38 to \$97.80 per square foot of living area, including land. Based on this evidence, the board of review requested no change to the subject's assessment.

In rebuttal the appellant's counsel noted that the Property Tax Appeal Board shall consider compulsory sales as valid comparable sales pursuant to section 16-183 of the Property Tax Code (35 ILCS 200/16-183). The appellant's counsel also argued that the board of review comparables are not comparable due to their sale dates in 2015 which are remote in time to establish market value as of January 1, 2017 or a 65% larger dwelling size than the subject. In a rebuttal grid analysis, counsel reiterated the four best comparable sales in the record and contended the subject's assessment should be reduced.

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 record contains nine sales submitted by the parties to support their respective positions. The Board gave less weight to the board of review comparable sales due to their basement foundations and/or larger dwelling sizes when compared to the subject. In addition, comparables

#1, #2 and #4 sold in 2015, not as proximate in time to the January 1, 2017 assessment date as the appellant's comparables.

The Board gave most weight to the appellant's comparables. The record showed that some of the appellant's comparables were sold by a bank or a government entity. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

These properties sold proximate in time to the January 1, 2017 assessment date and are similar to the subject in location, dwelling size, design, age and most features, although two comparables have superior central air conditioning. The comparable sales sold from February 2016 to April 2017 for prices ranging from \$18,000 to \$35,000 or from \$18.40 to \$35.79 per square foot of living area, including land. The subject's assessment reflects a market value of \$73,986 or \$74.88 per square foot of living area, including land, which falls above the range established by the best comparable sales. 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 the assessment is excessive. Based on this evidence 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



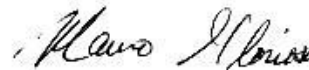
Member

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: May 26, 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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