



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

APPELLANT: John & Sharon Esposito
DOCKET NO.: 17-01475.001-R-1
PARCEL NO.: 21-14-02-203-011-0000

The parties of record before the Property Tax Appeal Board are John & Sharon Esposito, the appellants, by attorney Jessica Hill-Magiera 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: \$5,917
IMPR.: \$20,345
TOTAL: \$26,262

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 one-story dwelling of frame construction with 1,144 square feet of living area. The dwelling was constructed in 1954. Features of the home include a concrete slab foundation, central air conditioning and a 240 square foot garage. The property has a 9,887 square foot site and is located in Park Forest, Monee Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on ten comparable sales located within .62 of a mile from the subject. The comparables are described as one-story dwellings with either 1,092 or 1,144 square feet of living area. The comparables were constructed in 1954 or 1957. Each comparable has a concrete slab foundation, five comparables have central air conditioning and each comparable has a garage ranging in size from 240 to 320 square feet of building area. The sales occurred from April 2016 to November 2017 for prices ranging from \$16,564 to \$35,100 or from \$15.17

to \$32.14 per square foot of living area, including land. Based on this evidence, the appellants 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 \$26,262. The subject's assessment reflects a market value of \$78,818 or \$68.90 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 from the Monee Township Assessor along with additional data. The assessor contends the appellants' comparable sales #1, #2, #7 and #9 are special warranty deed, Bank REO and/or Seller/Buyer is a Financial Institution or Government Agency or a sale between related parties. The board of review also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each of these four sales that disclosed comparables #1, #2 and #9 were advertised for sale and comparable sale #7 was not 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. The comparables are located within the same neighborhood as the subject and are described as one-story dwellings of frame construction with either 1,092 or 1,144 square feet of living area. The dwellings were built in 1954 or 1957. Each property has a concrete slab foundation, one comparable has central air conditioning, one comparable has a fireplace and three comparables each have a garage containing either 280 or 320 square feet of building area. These properties have sites that range in size from 7,011 to 13,923 square feet of land area. The sales occurred from February 2015 to August 2017 for prices ranging from \$75,000 to \$105,883 or from \$65.56 to \$92.56 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 appellants' counsel asserted that the Property Tax Appeal Board shall consider compulsory sales as valid comparable sales pursuant to 35 ILCS 200/16-183 of the Property Tax Code. In addition, the appellants' counsel argued that the board of review comparable sale #2 was not comparable as it was part of a multiple property sale and it was not advertised for sale. Board of review comparable sale #3 is not comparable to the subject due to its sale date in 2015 being too remote in time to establish market value as of January 1, 2017.

Conclusion of Law

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

The record contains 14 sales submitted by the parties to support their respective positions. The Board gave less weight to the appellants' comparable sale #7 as it was a transaction between

related parties that was not advertised for sale which does not meet one of the key fundamental elements of an arm's length transaction. The Board also gave less weight to the board of review comparables #2 and #3 as comparable #2 was part of a multi-property sale and comparable #3 sold in February 2015 which is less proximate in time to the subject's assessment date at issue as the other sales in the record.

The Board gave more weight to the remaining appellants' comparables and board of review comparables #1 and #4. These 11 comparables are similar to the subject in location, dwelling size, design, age and features, although six comparables lack central air conditioning. These comparables sold from April 2016 to November 2017 for prices ranging from \$16,564 to \$86,000 or from \$15.17 to \$75.17 per square foot of living area, including land. The subject's assessment reflects a market value of \$78,818 or \$68.90 per square foot of living area, including land, which falls 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 the assessment is supported. Based on this evidence the Board finds a reduction in the subject's assessment is not 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: 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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