



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

APPELLANT: Gregory A. Johnson
DOCKET NO.: 17-01674.001-R-1
PARCEL NO.: 11-04-32-411-012-0000

The parties of record before the Property Tax Appeal Board are Gregory A. Johnson, 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: \$11,704
IMPR.: \$16,627
TOTAL: \$28,331

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 frame exterior, tri-level single-family dwelling with 1,778 square feet of above-grade living area. The dwelling was constructed in 1955 and features a finished lower level, a sub-basement, central air-conditioning, a fireplace and a 600-square foot garage. The dwelling is situated on a 7,200 square foot site and is located in Crest Hill, Lockport Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased April 29, 2016 for a price of \$85,000. The appeal petition indicated that the sale was not between related parties and the property was advertised for sale on the Multiple Listing Service (MLS) by a Realtor. Appellant submitted a copy of the MLS listing sheet showing the property was originally listed for sale on

March 17, 2016 for \$99,900 and a contract was entered into on or about April 11, 2016 for \$85,000. The listing sheet notes that the property is “priced to sell” and has great curb appeal. The appellant also submitted a copy of the Settlement Statement showing that this was a cash purchase and that a commission was paid to a realty firm, along with a brief in support of his position that this was an arm’s length transaction. 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 \$30,196. The subject's assessment reflects a market value of \$90,624 or \$50.97 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Will County of 33.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on the sales of four comparable properties, three of which are located in the same neighborhood as the subject. The comparables consist of 1-story or 1½-story single-family dwellings of frame construction. The dwellings were built from 1943 to 1955 and range in size from 1,080 to 1,404 square feet of living area. The comparables each have a concrete slab foundation, central air conditioning, and a garage ranging in size from 480 to 784 square feet of building area. The dwellings are situated on sites ranging in size from 7,320 to 15,408 square feet of land area. The comparables sold from May 2015 to October 2016 for prices ranging from \$107,000 to \$134,000 or from \$76.21 to \$124.07 per square foot of living area, including land.

The Board of Review Notes on Appeal states that the subject was originally assessed at \$45,959 for tax year 2017. The board of review submitted a memorandum disclosing that, based on the \$85,000 sale price, the board of review lowered the assessment to 1/3 of that amount then applied the 2017 multiplier of 1.0670 arriving at the current assessment of \$30,196.

Based on this evidence, the board of review requested confirmation of the subject’s assessment.

In rebuttal, appellant’s attorney submitted a brief in which she contends that the board of review did not dispute the recent sale of the subject property or contest its validity. She argued that the comparable sales submitted by the board of review are either too remote in time to establish market value as of the lien date or are not similar enough to the subject to make a meaningful comparison. She further argued that the inclusion of a township equalization factor is not appropriate in this appeal because it is already included in the assessment being appealed.

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 Board gave less weight to the board of review's comparables which differ from the subject in style, dwelling size, foundation type and/or age. Further, the 2015 sales of comparables #3 and #4 are too remote in time to the January 1, 2017 assessment date at issue to be reflective of the subject's estimated market value. The Board finds the best evidence of market value in the record to be the purchase of the subject property in April 2016 for \$85,000. The appellant presented evidence that the sale was not between related parties and was advertised by a Realtor through the Multiple Listing Service. The board of review presented no evidence contesting the validity of the sale and presented evidence acknowledging the 2016 sale and lowering the 2017 assessment from \$45,959 to \$30,196 which is equivalent to 1/3 of the sale price after application of the 2017 equalization factor of 1.0670. ($\$28,331 \times 1.0670 = \$30,196$.) The Board finds that due to the fact the subject property sold within approximately eight months of the assessment date at issue, there was no need to further adjust the assessment by the application of a township equalization factor without some demonstration that the market value of the subject property had increased by approximately 7% during that time period.

Based on this evidence, the Board finds a reduction in the subject's assessment to reflect the purchase price 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: August 18, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Gregory A. Johnson, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Will County Board of Review
Will County Office Building
302 N. Chicago Street
Joliet, IL 60432