



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

APPELLANT: Shawn Fee  
DOCKET NO.: 18-01156.001-C-1  
PARCEL NO.: 21-14-21-314-013-0000

The parties of record before the Property Tax Appeal Board are Shawn Fee, the appellant, 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:** \$14,400  
**IMPR.:** \$37,850  
**TOTAL:** \$52,250

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 2018 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 part two-story and part one-story multi-family four-flat apartment building of wood siding exterior construction with approximately 2,930 square feet of living area.<sup>1</sup> The building was constructed in approximately 1900. The apartments consist of a two-bedroom/one bath and three, one-bedroom/one bath units that range in size from 560 to 778 square feet of living area. Features of the building include an unfinished basement, central air conditioning and a detached garage of approximately 631 square feet of building area. The property has a 6,957 square foot site<sup>2</sup> and is located in Monee, Monee Township, Will County.

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<sup>1</sup> The appellant reported a dwelling size of 2,881 square feet of building area as set forth by the appellant's appraiser who provided a schematic drawing to support the calculation. The board of review submitted a copy of the subject's property record card which also includes a schematic drawing and depicts a dwelling size of 2,930 square feet. The Board finds this slight size discrepancy on this record does not prevent a determination of the correct assessment in light of the entire evidence of record.

<sup>2</sup> The appellant's appraiser reported a site size of 6,836 square feet as compared to the board of review's evidentiary submissions. Again, the Board finds this discrepancy does not prohibit a determination of the correct assessment.

The appellant contends both overvaluation and lack of assessment uniformity as the bases of the appeal concerning the improvement assessment. In support of these arguments, the appellant submitted an appraisal, equity comparables, sales data and a brief asserting unfair treatment by the township assessor.

*Appraisal/recent sale price*

As part of the submission, the appellant completed Section IV – Recent Sale Data of the Commercial Appeal petition reporting the May 19, 2016 purchase price of the subject property for \$117,500 from First Midwest Bank/Synergy Property Holdings, LLC. The appellant reported the parties to the transaction were not related and the property was sold by the bank without the use of a Realtor/real estate agent and without advertising the property for sale. The property was reported to have been sold in settlement of a foreclosure action. The appellant failed to provide a copy of the Settlement Statement, sales contract and/or Real Estate Transfer Declaration concerning the transaction as directed in Section IV of the petition.

The appellant submitted an appraisal prepared for Howard Bank by Jerome T. Dea, Jr., a Certified Residential Real Estate Appraiser, who prepared the report based upon fee simple rights and for purposes of refinance transaction. The appraiser utilized all three traditional approaches to value in estimating the subject property had a market value of \$117,000 or \$29,250 per apartment unit or \$39.93 per square foot of building area, including land, as of December 10, 2016.

The appraiser described the subject building as having an effective age of 25 years as compared to its actual age of 116 years at the time of the report. Dea reported the subject apartment building to be in average overall condition upon inspection of the premises; the owner was unable to grant interior garage access to the appraiser. Dea did not find any indication of functional depreciation and "no repairs were noted."

The appraiser acknowledged the recent purchase of the subject property by the appellant on May 2, 2016 for \$117,500. Dea reported there was no public listing of the subject property and details of the sale were private. He also stated, "An additional transfer of the subject took place on December 1, 2015 between Trust 9-1375 to Synergy Property Holdings, LLC. There was no recorded sale price on this transfer."

Under the cost approach (Appraisal, p. 4), the appraiser estimated the subject had a site value of \$10,000. The appraiser estimated the reproduction [*sic*] cost new based upon Marshall & Swift Residential Cost Handbook of the improvements to be \$346,581.<sup>3</sup> Dea estimated physical and external depreciation in total to be \$243,759 resulting in a depreciated improvement value of \$102,822. The appraiser also estimated the site improvements had a value of \$8,000. Adding the various components, Dea estimated the subject property had an estimated market value of \$120,800 under the cost approach to value.

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<sup>3</sup> The appraisal report was clearly marked as being based upon reproduction cost despite that this method is typically not applicable to a property such as the subject but rather would apply to very unique or historically significant structures.

Using the income approach and after examination of three rental comparables, Dea estimated the subject had a market value of \$117,000 or \$29,250 per apartment unit or \$39.93 per square foot of building area, including land. The appraiser opined a monthly rental of the subject property of \$2,600 and a gross rent multiplier (GRM) of 45 under the income approach.

For the sales comparison approach, Dea analyzed six sales and three listings. The sales occurred from June 2015 to August 2016 and at the time of the report, written as of December 13, 2016, the listings had been on the market from 48 to 319 days. The comparables were located from .18 of a mile to 12.92-miles from the subject property and consist of either two-flat or four-flat buildings. The comparables were in the communities of Matteson, Manteno, Crete, Peotone and Monee and presented sales or asking prices ranging from \$78,000 to \$198,900 or from \$23,750 to \$99,450 per apartment unit or from \$23.05 to \$96.26 per square foot of building area, including land. After making adjustments to the comparable sales and listings, Dea estimated the subject property to have a market value of \$117,000 under the sales comparison approach to value.

In reconciling the value approaches, Dea gave most weight to the comparable sales approach with support from the other two estimates in order to arrive at a final estimate of market value for the subject of \$117,000 or \$29,250 per apartment unit or \$39.93 per square foot of building area, including land.

#### *Equity evidence*

In support of the inequity argument, the appellant submitted a grid analysis with information on three comparable properties located .1 of a mile from the subject. The comparables consist of multi-family frame dwellings that were either 97 or 117 years old. The appellant was unable to report the number of apartments in each comparable building. The buildings range in size from 2,144 to 2,916 square feet of building area. The comparables depict improvement assessments ranging from \$24,300 to \$27,350 or from \$9.38 to \$12.05 per square foot of building area.

#### *Comparable sales evidence*

The appellant submitted sales in a grid analysis with the same data as presented for the equity comparables along with documentation for sale #1. The comparables sold from April 1995 to October 2017 for prices ranging from \$37,000 to \$114,000 or from \$17.25 to \$44.84 per square foot of building area, including land.

#### *Assessment/revaluation process issues*

The last portion of the appellant's appeal consists of a narrative outlining the assessment history of the subject property and discussions with the township assessor after successful appeals before the Will County Board of Review for tax years 2016 and 2017. The appellant contends the township assessor has "repudiated" these prior assessment reductions by issuing revised assessments the following tax year. With regard to this latter complaint of the appellant, it must be noted that the Property Tax Appeal Board has no jurisdiction with regard to the actions of an individual township assessor in revaluing property and is limited to determining the correct

assessment of the subject property that is appealed to the Board (35 ILCS 200/16-185). Therefore, this aspect of the appellant's appeal will not be further analyzed in this decision.

Based on the foregoing evidence, the appellant requested a total assessment of \$39,000 which would reflect a market value of approximately \$117,000, including land, and a requested reduced improvement assessment of \$24,600 or \$8.40 per square foot of building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$52,250. The subject's assessment reflects a market value of \$156,860 or \$39,215 per apartment unit or \$53.54 per square foot of building area, land included, when using the 2018 three year average median level of assessment for Will County of 33.31% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$37,850 or \$9,462.50 per apartment unit or \$12.92 per square foot of building area.

In response to the appellant's recent sale evidence, the board of review through the township assessor argued that the May 2016 sale of the subject for \$117,500 was "not a market sale" and cites Section 16-55 of the Property Tax Code (35 ILCS 200/16-55) for this proposition. The referenced provision of the Code is applicable to appeals before the local county board of review concerning compulsory sales. For purposes of determining assessments using the mass appraisal approach, the township assessor outlined that valuation is performed by examination of recent area sales, not the sale of a single property such as the subject's sale price.

As to the appellant's appraisal report, the township assessor criticized the report as relying upon dated sales, sales that were "non-market" and/or were listings that had not yet sold. Reportedly appraisal listing #8 actually sold in September 2018 for \$177,000 which the assessor contends supports the subject's estimated market value as of the assessment date of January 1, 2018.

As to the appellant's equity/sales comparables, the township assessor contends each of these comparables are two-flat units which differ from the subject's four-flat design/use. Therefore, the assessor contends that these comparables are dissimilar and carry different values than the subject given the fewer number of apartments in each building. Moreover, only comparable #1 sold proximate in time to the assessment date at issue, but due to the two-unit design the property is still dissimilar to the subject for purposes of comparison.

In support of its contention of the correct assessment, the board of review through the township assessor submitted a spreadsheet with information on four comparable sales and three equity comparables (Exhibit 7).

The comparable sale properties are located in Lockport, Frankfort and Joliet. The comparable four-unit buildings range in size from 1,530 to 3,840 square feet of building area. The comparables sold from April 2017 to December 2018 for prices ranging from \$220,000 to \$400,000 or from \$55,000 to \$100,000 per apartment unit or from \$80.15 to \$143.79 per square foot of building area, including land.

The three equity comparables were each located in Monee and consist of four-unit buildings like the subject. The comparables range in size from 2,719 to 4,230 square feet of building area and

have improvement assessments ranging from \$46,550 to \$57,600 or from \$11,637.50 to \$14,400 per apartment unit or from \$13.62 to \$17.90 per square foot of building area.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

### **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 appellant submitted an appraisal, the sale of the subject and one recent comparable sale to establish the appellant's overvaluation argument. The Property Tax Appeal Board has given little weight to the value conclusion contained within the appraisal report as the opinion of market value was as of a date 13 months prior to the valuation date at issue in this appeal of January 1, 2018. Moreover, the basis for the appraiser's opinion of value was reliance upon sales and listings of comparable properties that were further removed from the valuation date at issue. Similarly, the Board has given little weight to the May 2016 purchase price of the subject property as the date of sale is sufficiently removed in time to the valuation date of January 1, 2018 to be less likely to be indicative of its market value as of the assessment date. The only recent comparable sale presented by the appellant was of a two-flat building as compared to the subject's four-flat design which indicates the property has significantly less earning potential as a rental property than the subject and would thus be dissimilar for market value purposes when compared to the subject.

The Board finds the best evidence of market value to be board of review comparable sales #1 through #4. The comparables were similar four-unit buildings that sold from April 2017 to December 2018 for prices ranging from \$220,000 to \$400,000 or from \$55,000 to \$100,000 per apartment unit or from \$80.15 to \$143.79 per square foot of building area, including land. The subject's assessment reflects a market value of \$156,860 or \$39,215 per apartment unit or \$53.54 per square foot of building area, land included, which is below the range established by the best comparable sales in this record. Based on this evidence, the Board finds a reduction in the subject's assessment is not justified on grounds of overvaluation.

The taxpayer also contended assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of six equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's equity comparables due to their two-flat design as compared to the subject's four-flat design.

The Board finds the best evidence of assessment equity to be the three board of review equity comparables. The comparables have improvement assessments ranging from \$46,550 to \$57,600 or from \$11,637.50 to \$14,400 per apartment unit or from \$13.62 to \$17.90 per square foot of building area. The subject has an improvement assessment of \$37,850 or \$9,462.50 per apartment unit or \$12.92 per square foot of building area which falls below the range of the most similar comparables in the record both in terms of its improvement assessment, on a per-apartment basis and on a per-square-foot basis. Based on this evidence, the Board finds no reduction in the subject's assessment is warranted on grounds of lack of assessment uniformity.

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.



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Chairman



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Member

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Member



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Member



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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: September 15, 2020



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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

Shawn Fee  
9120 Kinsale Drive  
Tinley Park, IL 60487

COUNTY

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