



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

APPELLANT: Dustin & Tricia Kooy
DOCKET NO.: 18-01228.001-R-1
PARCEL NO.: 07-08-26-407-027

The parties of record before the Property Tax Appeal Board are Dustin & Tricia Kooy, the appellants, by attorney Jessica Hill-Magiera in Lake Zurich; and the Kankakee 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 **Kankakee** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$4,852
IMPR.: \$41,474
TOTAL: \$46,326

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kankakee 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 one-story dwelling of brick and vinyl exterior construction with 1,504 square feet of living area.¹ The dwelling was constructed in 1983. Features of the home include a crawl space foundation, central air conditioning and a 440 square foot attached garage. The property has a 15,314 square foot site and is located in Kankakee, Limestone Township, Kankakee County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on September 14, 2018 for a

¹ The Multiple Listing Service (MLS) sheet provided by the appellants and the property record card provided by the board of review differ as to the dwelling size and age of the subject's dwelling. The Board finds the best evidence of the description of the subject was presented by the board of review located in the property record card which contained a schematic diagram and the measurements of the subject's size.

price of \$100,550. The appellants' counsel reported that the subject property was purchased from the owner of record, the parties to the transaction were not related and the property was advertised using a realtor. The appellants submitted a copy of the Multiple Listing Service (MLS) sheet disclosing the property sold at auction after having been advertised for 10 days.² A copy of the Settlement Statement reflects the purchase price, date of sale and disclosed the seller was Deutsche Bank National Trust Company and that commissions were paid to two realty agencies.

In further support of the overvaluation claim, the appellants provided a grid analysis of three comparable sales that contained no descriptive information other than the sale dates, sale prices and that each comparable is located in Kankakee, along with MLS sheets associated with the sales of each of these properties. The MLS sheets described the comparables as having sites that range in size from 9,800 to 13,000 square feet of land area which are improved with one-story dwellings of brick or vinyl siding exterior construction ranging in size from 1,054 to 1,624 square feet of living area. The dwellings were constructed from 1952 to 1970. Comparable #1 has an unfinished full basement and comparables #2 and #3 each have crawl space foundations. Each comparable features central air conditioning. In addition, comparable #1 has an attached one-car garage and a detached two-car garage and comparable #3 has a fireplace and an attached two-car garage. The comparables sold from January to June 2017 for prices ranging from \$69,000 to \$100,000 or from \$61.58 to \$66.01 per square foot of living area, including land.

Based on this evidence, the appellants 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 \$46,326. The subject's assessment reflects a market value of \$139,075 or \$92.47 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Kankakee County of 33.31% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum prepared by the township assessor along with additional data. The assessor critiqued the appellants' evidence and contended that the subject property was purchased at an auction. A copy of the first page of the PTAX-203 Illinois Real Estate Transfer Declaration disclosed the property was advertised for sale and depicts the reported purchase price, date of sale and that the transaction was a Bank REO (real estate owned) which was transferred by Special Warranty Deed.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales prepared by the township assessor. The assessor reported that the comparables are located within two blocks from the subject property and have sites that contain either 15,300 or 16,065 square feet of land area. The comparables are improved with one-story dwellings of vinyl siding or vinyl and brick trim exterior construction that range in size from 1,357 to 1,592 square feet of building area. The dwellings were constructed in either 1969 or 1978. Comparables #1 and #2 each have one fireplace. Each comparable has a garage that

² The subject's MLS sheet noted that the "home may require some enhancements and upgrades but worth taking a look at."

ranges in size from 484 to 621 square feet of building area. The properties sold in August and November 2017 for prices ranging from \$154,000 to \$172,500 or from \$101.64 to \$113.48 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellants asserted that the board of review did not dispute the recent sale of the subject property or sufficiently contest its validity. Counsel also argued that all of the appellants' comparable sales are below the recent subject sale price, serving as additional evidence that the recent subject sale price is indeed indicative of market value. Counsel requested a reduction in the subject's assessment to reflect the purchase price.

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

The Board finds the evidence disclosed that the appellants purchased the subject property on September 14, 2018 for a price of \$100,550 from Deutsche Bank National Trust Company. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants partially completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the owner of record and the property had been advertised on the open market. In further support of the transaction the appellants submitted a copy of the settlement statement and the MLS sheet associated with the purchase of the subject property. The Board finds, however, the fact the property was REO (real estate owned) by Deutsche Bank National Trust Company and sold at auction calls into question whether the purchase price is reflective of fair cash value. Thus, the Board has given little weight to the subject's purchase price in determining its correct assessment.

The parties presented six suggested comparable sales for the Board's consideration. The Board gave less weight to appellants' comparables due to their older dwellings, basement foundation and/or lack of a garage. The Board also gave less weight to board of review comparable #3 due to its basement foundation unlike the subject's crawl space foundation.

The Board finds the best evidence of market value in the record to be comparable sales #1 and #2 submitted by the board of review. These two comparables are located within two blocks of the subject property and are similar to the subject in site size, dwelling size, design, age and features. They sold in August 2017 for prices of \$154,000 and \$154,900 or for \$113.48 and \$101.64 per square foot of living area, land included, respectively. The Board finds these sales demonstrate the subject's purchase price of \$100,550 or \$66.86 per square foot of living area, land included, is not representative of fair cash value. The subject's assessment reflects a market value of \$139,075 or \$92.47 per square foot of living area, including land, is below the two best comparable sales in the record but appears to be supported given the subject dwelling may

require some upgrades. Therefore, based on this record, the Board finds no 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: October 20, 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

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