



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

APPELLANT: Dustin Kooy, Duncan Homes
DOCKET NO.: 18-01237.001-R-1
PARCEL NO.: 17-09-20-409-016

The parties of record before the Property Tax Appeal Board are Dustin Kooy, Duncan Homes, the appellant, by Jessica Hill-Magiera, Attorney at Law 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: \$4,266
IMPR.: \$33,227
TOTAL: \$37,493

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 frame exterior construction with 1,056 square feet of living area.¹ The dwelling was constructed in 1959. Features of the home include a crawl space foundation, central air conditioning and a 288 square foot attached garage. The property has a 9,966 square foot site and is located in Bradley, Bourbonnais Township, Kankakee County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on September 27, 2018 for a price of \$70,000. The appellant partially completed Section IV - Recent Sale Data of

¹ Counsel for the appellant did not provide the descriptive details of the subject property. The Board finds the best and only evidence of the description of the subject was presented by the board of review located in its grid analysis and the subject's property record card.

the appeal disclosing 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 but did not disclose for how long a period. The appellant submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the property sold at auction as a Bank REO (real estate owned) where the seller/buyer is a financial institution or government agency and the property was advertised for sale. A copy of the Settlement Statement reflects the purchase price, date of sale and disclosed the seller was PNC Bank, National Association and that no commissions were paid.

In further support of the overvaluation claim, the appellant provided a grid analysis of five comparable sales that contained no descriptive information other than the sale dates, sale prices and that each comparable is located in Bourbonnais or Bradley, along with Multiple Listing Service (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 4,750 to 9,750 square feet of land area. The comparables are improved with one-story dwellings of brick, frame or vinyl siding exterior construction ranging in size from 760 to 1,343 square feet of living area. The dwellings were constructed from 1951 to 1963. Each comparable has a concrete slab or a crawl space foundation, three comparables have central air conditioning and two comparables each have a one-car garage. The listing sheets also disclosed that comparables #1 and #4 sold "as is", comparable #5 was "perfect for investor" and that the seller does not pay customary closing costs for the sale of comparable #2. The comparables sold from July 2017 to July 2018 for prices ranging from \$60,900 to \$70,000 or from \$51.01 to \$92.11 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$22,831 reflecting a market value of approximately \$68,500 when using the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$37,493. The subject's assessment reflects a market value of \$112,558 or \$106.59 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 argued that the subject was transferred by a Special Warranty Deed and the PTAX-203 was marked as a Bank REO, Auction Sale and financial institution.

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 each comparable is located in Bradley and within the same area as the subject property. The comparables have sites that range in size from 8,913 to 10,984 square feet of land area. The comparables are improved with one-story dwellings of frame exterior construction each with 1,040 or 1,068 square feet of living area. The dwellings were constructed in either 1959 or 1961. Each comparable has a crawl space foundation and an attached garage containing 240 or 276 square feet of building area. The properties sold from January 2016 to July 2017 for prices

ranging from \$116,900 to \$120,000 or from \$110.02 to \$115.38 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 appellant asserted that the board of review has not disputed or commented on any of the comparable sales submitted by the appellant. Counsel argued that the board of review's failure to respond or object to the appellant's comparable sales should serve as an admission that the appellant's comparable sales are valid and should be considered in determining a fair market value. Counsel also argued that board of review comparable sales #2 and #3 sold in 2016 which are too remote in time to establish market value as of January 1, 2018. In a rebuttal grid analysis, counsel reiterated that the appellant's four comparables and board of review comparable #1 are the 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 has 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 appellant purchased the subject property on September 27, 2018 for a price of \$70,000 or \$66.29 per square foot of living area, land included, from PNC Bank, National Association. The appellant 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 appellant submitted a copy of the settlement statement and the real estate transfer declaration associated with the purchase of the subject property. The Board finds, however, the fact the property was REO (real estate owned) by PNC Bank, National Association and sold at auction calls into question whether the purchase price is reflective of fair cash value. Additionally, the settlement statement submitted by the appellant disclosed that no broker's commissions were paid, indicating that no brokers were involved in the sale and the appellant did not disclose how long the subject was exposed to the market suggesting the subject was not advertised for sale in the traditional sense, calling into question the arm's length nature of the transaction. Thus, the Board has given little weight to the subject's purchase price in determining its correct assessment.

The parties presented eight suggested comparable sales for the Board's consideration. The Board gave less weight to appellant's comparables which differ from the subject in location, dwelling size and/or lack of a garage.

The Board finds the best evidence of market value in the record to be comparable sales submitted by the board of review. These comparables are similar to the subject in location, dwelling size, design, age and features. They sold from January 2016 to July 2017 for prices ranging from \$116,900 to \$120,000 or from \$110.02 to \$115.38 per square foot of living area, land included.

Most weight was given to board of review comparable #1 which sold in July of 2017 for a price of \$120,000 or \$115.38 per square foot of living area, including land, as the two remaining sales are somewhat dated. The Board finds these sales demonstrate the subject's purchase price of \$70,000 or \$66.29 per square foot of living area, land included, is not representative of fair cash value. The subject's assessment reflects a market value of \$112,558 or \$106.59 per square foot of living area, including land, which is below the best comparable sales in the record. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the estimated market value as reflected by the assessment is supported. 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: February 16, 2021



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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