



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

APPELLANT: National Home Rental
DOCKET NO.: 18-01390.001-R-1
PARCEL NO.: 05-06-12-218-006-0000

The parties of record before the Property Tax Appeal Board are National Home Rental, the appellant, by attorney Peter D. Verros, of Verros Berkshire, PC in Chicago; 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: \$14,000
IMPR.: \$53,050
TOTAL: \$67,050

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 split-level dwelling of frame exterior construction with 2,152 square feet of above-grade living area. The dwelling was constructed in 1977. Features of the home include a partially finished basement, central air conditioning, a fireplace and a 514-square foot garage. The property has a 10,454-square foot site and is located in Joliet, Troy Township, Will County.

The appellants contend overvaluation and inequity in assessment as the bases of the appeal. In support of the overvaluation argument, the appellant partially completed Section IV – Recent Sale Data and reported that the subject property was purchased on September 1, 2017 for a price of \$140,000. The appellant further reported that the parties to the transaction were not related

and that the seller's mortgage was not assumed.¹ In further support of the appeal, the appellant provided a copy of the settlement statement associated with the subject sale disclosing the seller was Antoniao L. Bouie and reiterated the purchase price; that reimbursement for sold taxes was paid to the Will County Clerk; and that funds were held back in escrow from the seller's proceeds for costs associated with redemption of property taxes.

In support of the inequity in assessment argument, the appellant submitted information on three equity comparables located within .2 of a mile from the subject and in the same neighborhood code as assigned by the local assessor to the subject property. The properties are improved with split-level dwellings of frame exterior construction ranging in size from 2,128 to 2,200 square feet of above-grade living area. The dwellings range in age from 43 to 52 years old. Each home features a finished basement with one having an additional crawl space. Each dwelling also has central air-conditioning. One home has a garage with 484 square feet of building area. The comparables have improvement assessments of \$41,550 or \$45,055 or from \$18.89 to \$21.17 per square foot of living area. The appellant also submitted property information sheets extracted from the Will County Supervisor of Assessments website for the subject and the comparable properties.

Based on the above evidence, the appellant requested a reduction in the subject's total assessment to \$46,662 to reflect the purchase price of \$140,000 when applying 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 \$67,050. The subject's assessment reflects a market value of \$201,291 or \$93.54 per square foot of above-grade living 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 has an improvement assessment of \$53,050 or \$24.65 per square foot of above-grade living area.

In response to the appellant's evidence, the board of review, through the township assessor, submitted a narrative brief arguing that the Illinois Real Estate Transfer Declaration (PTAX-203) form associated with the subject's sale reflects that the property was not advertised for sale. Furthermore, the board of review submitted a copy of a Lis Pendens Notice filed in the Will County Circuit Court against the property petitioning the court for a tax deed following a tax sale. The board of review argued that this is evidence that the sale of the subject in June 2017 was not an arm's-length transaction. Additionally, the board of review argued that with respect to the appellant's assessment equity argument, the comparables submitted by the appellant differed from the subject in design, features, and/or amenities. Finally, the board of review argued that after the purchase, the appellant applied for a renovation permit estimating the renovation costs to be approximately \$65,907. The board of review also submitted copies of the property record cards for the subject and its comparables, and a copy of the renovation permit.

In support of its contention of the correct assessment, the board of review submitted information on four comparable properties, one of which was a comparable sale. The comparables are

¹ The Property Tax Appeal Board requested that the appellant fully complete Section IV – Recent Sale Data of the appeal form, however the appellant did not comply with that request.

located within the same Glenwood Manor subdivision as the subject property. The properties are improved with split-level dwellings of frame exterior construction ranging in size from 2,104 to 2,158 square feet of above-grade living area. The dwellings were constructed in 1977 or 1978. The homes each feature a partially finished basement, central air-conditioning, a fireplace, and a garage ranging in size from 504 to 656 square feet of building area. The comparable sale occurred in March 2018 for a price of \$240,000 or for \$114.07 per square foot of above-grade living area, including land. The comparables have improvement assessments ranging from \$54,100 to \$56,200 or from \$25.38 to \$26.71 per square foot of above-grade living area.

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

Conclusion of Law

The appellant contends in part that 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 Board gave little weight to the purchase of the subject property in June 2017 for a price of \$140,000. The Board finds the evidence in the record reveals that the subject's delinquent property taxes were sold; that a Lis Pendens petition to obtain a tax deed was filed in the Will County Circuit Court; and the settlement statement associated with the sale depicts that the delinquent property taxes were paid to the Will County Clerk and funds to cover the costs associated with redemption of taxes was held back in escrow from the seller's proceeds at the time of the closing. Furthermore, the PTAX-203 form submitted by the board of review reveals that the property was not advertised for sale which, when taken together with the tax sale, calls into question whether there was duress involved in the sale, thus lacking the elements of an arm's-length transaction.

The Board finds the best evidence of market value to be the comparable sale #1 submitted by the board of review. This property was nearly identical to the subject in location, design, age, foundation, dwelling size, lot size, and most features. Additionally, this comparable sold in March 2018, a date very close in proximity to the subject's January 1, 2018 assessment date at issue. This nearly identical comparable sold for a price of \$240,000 or for \$114.07 per square foot of above-grade living area, including land. The subject's assessment reflects a market value of \$201,291 or \$93.54 per square foot of above-grade living area, land included, which is below the only comparable sale in this record. However, the Board finds that an increase in the subject's assessment is not warranted based on the evidence in the record that substantial renovations were needed to the subject at the time of its purchase in September 2017. Therefore, the Board finds that based on the evidence in the record, the appellant did not demonstrate by a preponderance of the evidence that the subject property is overvalued and no reduction in the subject's assessment is warranted on the grounds of overvaluation.

The taxpayer also contends 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 seven equity comparables with varying degrees of similarity to the subject property in location, design, dwelling size, and features. The Board gave less weight to appellant's comparables #2 and #3 due to lacking a garage which is a feature of the subject property. The Board finds the best evidence of assessment equity to be the parties' remaining five comparables. These comparables have improvement assessments ranging from \$45,055 to \$56,200 or from \$21.17 to \$26.71 per square foot of above-grade living area. The subject's improvement assessment of \$53,050 or \$24.65 per square foot of above-grade living area falls within the range established by the best equity comparables in this record. After considering necessary adjustments to the comparables for differences in some features when compared to the subject, the Board finds that the appellant did not demonstrate by clear and convincing evidence that the subject is inequitably assessed. Therefore, the Board finds that the subject's improvement assessment is supported, and no reduction in the subject's improvement assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence.

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: December 15, 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

National Home Rental, by attorney:
Peter D. Verros
Verros Berkshire, PC
225 West Randolph
Suite 2950
Chicago, IL 60606

COUNTY

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