



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

APPELLANT: Joseph Kumon  
DOCKET NO.: 18-02154.001-R-1  
PARCEL NO.: 18-010-052-00

The parties of record before the Property Tax Appeal Board are Joseph Kumon, the appellant(s); the Jo Daviess 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 **Jo Daviess County Board of Review** is warranted. The correct assessed valuation of the property is:

**LAND:** \$ 1,608  
**IMPR.:** \$132,072  
**TOTAL:** \$133,680

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Jo Daviess 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 party one-story frame dwelling with 3,355 square feet of living area that was built in 2005. The dwelling features a full basement that is partially finished, central air conditioning, two fireplaces and a 704 square foot attached garage. The subject property has a .62-acre site. The subject property is located in Thompson Township, Jo Daviess County.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's assessment was not reflective of market value. In support of this argument, the appellant completed section IV of the residential appeal petition regarding the subject's recent sale. The evidence disclosed the subject property sold in December 2018 for \$400,000. The appeal petition depicts the sale was not between related parties and the property was sold using a Realtor after being advertised for sale in the open market. Th appellant submitted the Multiple Listing Service (MLS) listing sheet and listing history of the subject property. The subject

property had been advertised and on and off the market since March 2016 for \$499,000 with incremental list price reductions to \$409,900 in December 2018. The appellant submitted the settlement statement associated with the sale of the subject property. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect its sale price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$188,235 was disclosed. The subject's assessment reflects an estimated market value of \$563,241 or \$167.88 per square foot of living area including land when applying Jo Daviess County's 2018 three-year average median level of assessment of 33.42% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

In response to the appeal, the board of review cited sections 1-55, 9-95 and 9-155 of the Property Tax Code (35 ILCS 200/1-55, 9-95 and 9-155) arguing the property should be valued for taxation as of January 1 of that year. As a result, the board of review argued that since the subject's sale occurred at the end of 2018, it should be considered for revaluation in 2019.

In further support of the subject's assessment, the board of review submitted eight assessment comparables (Exhibit B) to demonstrate the subject property was being uniformly assessed.<sup>1</sup> The board of review also submitted three comparables sales (Exhibit C) in support of the contention that the subject's assessment was reflective of market value. The comparables are located in Thompson Township like the subject, but their proximate location in relation to the subject was not disclosed. The comparable sales consist of two, one-story dwellings and one, part one and one-half and part one-story dwelling of frame construction that were built from 1999 to 2002. The dwellings range in size from 2,644 to 3,379 square feet of living area and are situated on lots that range in size from .65 to 1.32 acres of land area. The comparables have finished basements, central air conditioning, one or two fireplaces and garages that range in size from 598 or 944 square feet of building area. The comparables sold from July 2017 to August 2018 for prices ranging from \$390,000 to \$685,000 or from \$147.50 to \$202.72 per square foot of living area including land. Based on this evidence, 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 met this burden of proof.

The Board finds the best evidence of market value contained in this record is the subject's sale price for \$400,000 in December 2018. The subject's assessment reflects an estimated market

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<sup>1</sup> The Property Tax Appeal Board will not further address this evidence as it fails to address the market value argument raised by the appellant.

value of \$563,241, which is considerably more than is recent sale price. The Board finds the subject's sale meets the fundamental elements of an arm's-length transaction. The sale was not between related parties, the property was advertised for sale and there was no compulsion involved in the transaction. The board of review did not present any evidence to refute the arm's-length nature of the subject's sale, but merely argued "it should be considered for revaluation in 2019." The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). **A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value.** (Emphasis Added) Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, **the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment.** (Emphasis Added) Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983).

The Board gave little weight to comparable sales submitted by the board of review as this evidence does not overcome the subject's actual arm's-length sale price as provided by the controlling Illinois case law. Furthermore, the Board finds the sales submitted by the board of review are not particularly similar to the subject in that comparable sales #1 and #3 have larger sites than the subject; comparables #2 and #3 are dissimilar one-story dwellings; and comparable #2 is smaller in dwelling size when compared to the subject. Finally, the Board finds it inconsistent that the board of review asserted that since the subject's sale occurred near the end of 2018, it was not reflective of market value as of the January 1, 2018 assessment, however, board of review comparable #3 sold in August 2018, less than 4 months prior to the subject's sale.

In conclusion, the Board finds the appellant demonstrated the subject property was overvalued by a preponderance of the evidence. Since fair market value has been established, Jo Daviess County's 2018 three-year average median level of assessment of 32.42% shall apply.

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: June 8, 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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