



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

APPELLANT: Harold Schmalz
DOCKET NO.: 19-00328.001-R-1
PARCEL NO.: 23-15-17-201-021-0000

The parties of record before the Property Tax Appeal Board are Harold Schmalz, 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 a reduction 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: \$9,954
IMPR.: \$56,706
TOTAL: \$66,660

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 2019 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 is improved with a one-story dwelling of frame and brick veneer construction containing 2,145 square feet of living area.¹ The dwelling was constructed in 1958. Features of the home include a full basement that is partially finished, central air conditioning, two fireplaces and an attached garage with 644 square feet of building area. The property has a 23,232 square foot site and is located in Crete, Crete Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on October 30, 2019 for a price of \$200,000. The appellant identified the seller as Dream Home Rebuilders LLC and indicated the parties were not related. The appellant further disclosed the property was sold through a Realtor and had been advertised for sale for 8 months in the Multiple Listing Service.

¹ The Board finds the best evidence of size for the subject dwelling was contained on the copy of the subject's property record card as submitted by the board of review.

In further support of the overvaluation argument the appellant provided six comparable sales improved with five one-story dwellings and a tri-level style dwelling of frame and brick veneer exterior construction ranging in size from 1,611 to 1,974 square feet of living area. The homes range in age from 31 to 64 years old. The comparables are located from .5 to 6.0 miles from the subject property with sites ranging in size from 10,980 to 46,714 square feet of land area. Three comparables have basements with finished area, and three comparables have crawl space foundations. Each property has central air conditioning, one or two fireplaces and a garage ranging in size from 450 to 600 square feet of building area. The sales occurred from April 2018 to November 2018 for prices ranging from \$124,000 to \$214,900 or from \$72.22 to \$110.80 per square foot of living area, including land.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$54,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$73,000. The subject's assessment reflects a market value of \$218,759 or \$101.98 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for Will County of 33.37% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a memo from the Crete Township Assessor acknowledging the property sold for \$200,000 and proposing to reduce the assessment to \$66,667 to reflect the purchase price. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration filed with the Will County Recorder on November 4, 2019 associated with the subject's sale, disclosing the net consideration for the real property of \$200,000.

The assessor also submitted an additional sale of a ranch style home located along the same street and within the same block as the subject property. The dwelling was of brick construction with 1,208 square feet of living area. The home was built in 1968 with features that include an unfinished basement, central air conditioning, one fireplace and an attached garage with 528 square feet of building area. The property sold in June 2018 for a price of \$160,000 or \$132.45 per square foot of living area, including land.

The board of review requested no change be made to the 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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in October 2019 for a price of \$200,000 or \$93.24 per square foot of living area, including land.

The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and had been on the market for eight months. The board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration demonstrating the purchase had the elements of an arm's length transaction. Additionally, the township assessor acknowledged the subject's assessment should be reduced to reflect the purchase price. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

With respect to the sales provided by the parties, the Board finds appellant's comparables #1 and #4 are most similar to the subject property in age, style, location, and features with the exception each is smaller than the subject dwelling. These two comparables sold for prices of \$124,000 and \$178,500 or for \$72.22 and \$110.80 per square foot of living area, including land. These two sales support the conclusion the subject's purchase price was indicative of fair cash value as of the assessment date.

Based on this record the Board finds the subject's assessment should be reduced to reflect the purchase price of \$200,000.

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: January 18, 2022



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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