



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

APPELLANT: Michael Trimuel
DOCKET NO.: 19-00561.001-R-1
PARCEL NO.: 23-16-06-101-004-0000

The parties of record before the Property Tax Appeal Board are Michael Trimuel, 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 **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: \$28,301
IMPR.: \$113,469
TOTAL: \$141,770

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 consists of a two-story dwelling of masonry exterior construction with 2,988 square feet of living area.¹ The dwelling was constructed in 1997 and is approximately 21 years old. Features of the home include a basement with finished area, central air conditioning, two fireplaces, inground swimming pool, multiple exterior patios/decks, an attached garage with 949 square feet of building area and a detached 879 square foot garage. The property has a 2.13 acre or 93,149 square foot site and is located in Crete, Crete Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$370,000

¹ The parties differ slightly as to the correct dwelling size of the subject property. The Board finds the best information for the subject's dwelling size is found in the property record card submitted by the board of review, which the appellant did not dispute. This minor difference shall not impact the Board's ability to decide on the subject's correct assessment.

as of January 1, 2019. The appraisal was prepared by Jerry Cobbin, a certified residential real estate appraiser.

The intended use of the appraisal report was to “aid the client with a market value as of the effective date of this report for tax appeal purposes.” Users of the report include the State of Illinois and/or County taxing authorities. The appraiser indicated the subject property was observed from the street only and that subject property details were obtained from the local assessor’s office. The appraiser stated that the opinion of value is predicated upon the “hypothetical condition” that the subject is in typical condition.²

The appraiser reported the subject property sold in November 2017 for a price of \$520,000. The appraiser, however, did not further discuss the subject’s purchase.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales located from 2.10 to 4.05 miles from the subject property. The comparables have sites that range in size from 1.30 to 5.06 acres of land area and are improved with two-story dwellings that range in size from 2,419 to 3,616 square feet of living area. The homes range from 15 to 31 years old. Each comparable has a basement with finished area, central air conditioning, one to four fireplaces, and a garage ranging in size from 771 to 1,268 square feet of building area. Comparables #3 and #4 each have inground swimming pools.³ The comparables sold from August 2016 to November 2018 for prices ranging from \$339,000 to \$390,000 or from \$102.08 to \$152.96 per square foot of living area, land included.

The appraiser adjusted comparable #2 for seller paid concessions and then adjusted the comparables for differences with the subject in age, site size, dwelling size, room count, fireplaces and garage amenity. There was no detailed explanation of the adjustments included in the appraisal report. The Board finds that the subject’s inground swimming pool and detached garage were excluded from the appraiser’s comparable sales grid, as were inground swimming pools of comparables #2 and #3. No adjustments were made to comparable properties to account for these amenities. After adjustments, the appraiser arrived at adjusted sale prices of the comparables ranging from \$352,000 to \$385,000 and an opinion of market value for the subject of \$370,000.

Based on this evidence, the appellant requested the subject’s assessment be reduced to \$123,333 which equates approximately to the appraised value of the subject property when applying the statutory assessment level of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$141,770. The subject's assessment reflects a market value of \$424,843 or \$142.18 per square foot of living area, land included, when using the 2019 three

² A hypothetical condition, when used in a real estate appraisal, indicates a condition which is known to be false. The appraiser likely meant to imply an extraordinary assumption with respect to the subject’s condition being typical. An extraordinary assumption implies an unknown condition, which if found to be contrary to the assumption, could alter the appraiser’s opinion of value.

³ Some descriptive details for the appraisal comparables were added or corrected based on information from a grid analysis submitted by the board of review which were not disputed by the appellant or appraiser.

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 information the subject's recent sale. The board of review argued that the best evidence of market value is a market based sale and that the subject property was purchased in November 2017 for a price of \$520,000 or \$174.03 per square foot of living area, land included. In support of the subject's recent sale, the board of review submitted a copy of the PTAX-203 Real Estate Transfer Declaration which indicated the sale had been advertised on the open market. The board also submitted a copy of an online listing of the subject which describes the property as a "spectacular estate" and lists a variety of features including finished basement amenities, custom features, inground pool and two garages.

The board of review, through the Crete Township Assessor, submitted the subject's property record card which included a sketch of improvements, a grid analysis of the four appraisal comparables and comments arguing the appraisal failed to include multiple amenities of the subject and comparable properties. It argued that the subject's recent sale should be given most weight as the sale is most representative of market value. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 evidence in the record did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted an appraisal and documents reporting the recent sale of the subject property for the Board's consideration. The Board finds the comparables used by the appraiser lack significant property details, were located more than one mile from the subject, included some errors in the property details provided in the report and that comparables #3 and #4 sold in 2016 less proximate in time to the January 1, 2019 assessment date at issue. Based on the foregoing, the Board finds the appraiser's estimated opinion of market value for the subject, as presented in the appraisal, lacks credibility and therefore has been given little weight. The Board further finds that the fact the appellant's appraiser did not further discuss or analyze the subject's purchase when three of the comparables used in the sale comparison approach sold near or before the subject's date of sale further undermines the opinion of value reported in the appraisal.

The Board finds the best evidence of market value to be the recent sale of the subject property. The board of review submitted documentation which indicated the subject's November 2017 sale had elements of an arm's-length transaction, the property was not a sale between related parties and was advertised on the open market. The Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway co. of Chicago, 37 Ill.2d 158 (1967) The

subject's assessment reflects a market value of \$424,843 which is below the November 2017 purchase price of the subject of \$520,000. Therefore, based on the evidence in the record, the Board finds the appellant did not prove by a preponderance of the evidence that the subject property was overvalued and a reduction in the subject's assessment is not warranted.

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 19, 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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