



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

APPELLANT: Steve Harder/HB Equities  
DOCKET NO.: 19-09466.001-R-1  
PARCEL NO.: 16-17-06-429-006

The parties of record before the Property Tax Appeal Board are Steve Harder/HB Equities, the appellant, by attorney Jessica Hill-Magiera 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 a reduction 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:** \$3,325  
**IMPR.:** \$10,385  
**TOTAL:** \$13,710

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision final administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 1½-story dwelling of frame construction with 1,068 square feet of living area. The dwelling was constructed in built in 1885. Features of the property include an unfinished full basement, central air conditioning, and a detached garage with 384 square foot of building area. The property has a site with approximately 7,500 square feet of land area and is located in Kankakee, Kankakee Township, Kankakee 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 May 16, 2018, for a price of \$41,133. A copy of the closing statement submitted by the appellant identified the seller as U.S. Bank National Association as Trustee of OWS REO Trust 2015-1. The closing statement also disclosed that a real estate commission was paid to a Realtor. The appellant further indicated the parties were not related, the property was sold through a Realtor, and the property

had been advertised for sale in the Multiple Listing Service (MLS). The appellant also submitted a copy of the MLS listing sheet for the subject property disclosing the home had been on the market 127 days. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$17,921. The subject's assessment reflects a market value of \$53,801 when using the 2019 three-year average median level of assessment for Kankakee County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a copy of the subject's parcel information report, a copy of the subject's property record card, a photograph of the subject property and a copy of a listing advertising the subject property for rent for \$1,195 per month. Assistant State's Attorney Theresa Goudie provided a written argument contending that the courts have held that the best indicator of market value for property tax purposes is a recent sale. She further stated, however, recent sales are not the only indicator of market value and contends comparable sales should be considered. She argued the taxpayer submitted no comparable sales. Goudie also asserted that the taxpayer had listed the home for rent and the rental listing lists many "updates" to the property. She also explained the township assessor believes the home is being rented and had requested permission from the owner to enter the property, which went unanswered. Goudie argued the assessor used the best method for determining the assessment given the taxpayer's refusal to allow the assessor to inspect the property and the failure to provide relevant information regarding the income the property is generating.

In rebuttal the appellant's counsel argued the board of review did not dispute the recent sale of the subject property nor did it provide evidence that the sale was not valid. She also argued that the board of review submitted no evidence to dispute the appellant's requested 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 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 May 2018 for a price of \$41,133, rounded. 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 the property had been on the market for 127 according to the listing sheet. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the property's 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. The board of review did provide a copy of a rental listing of the subject but did not otherwise submit any market data such, as comparable sales, to demonstrate the purchase price was not indicative of fair cash value as of January 1, 2019 or to support the current assessment. Based on this record the Board finds a 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.

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Chairman



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Member



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Member



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Member



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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: July 19, 2022



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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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