



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

APPELLANT: HB Equities
DOCKET NO.: 19-09488.001-R-1
PARCEL NO.: 16-17-06-200-007

The parties of record before the Property Tax Appeal Board are HB Equities, the appellant, by Jessica Hill-Magiera, Attorney at Law 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: \$2,995
IMPR.: \$9,996
TOTAL: \$12,991

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 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 consists of a 1.5-story dwelling of asphalt shingle exterior construction with 786 square feet of living area.¹ The dwelling was constructed in 1916. Features of the home include a basement, central air conditioning, and a 200 square foot garage. The property has a 6,075 square foot site and is located in Kankakee, Kankakee Township, Kankakee County.

The appellant's appeal is based both on overvaluation and a contention of law. In support of the overvaluation argument the appellant partially completed Section IV – Recent Sale Data of the appeal petition and submitted evidence disclosing the subject property was purchased on July 5,

¹ The parties differ regarding the subject's dwelling size and exterior construction. The Board finds the best evidence of the subject dwelling size is found in the subject's second property record card presented by the board of review which contains a sketch and measurements. The board of review's second submission amends its prior submission and these details of the subject were not refuted by the appellant in written rebuttal.

2018 for a price of \$39,000. The appellant indicated in Section IV – Recent Sale Data of the appeal petition that the parties were not related and the subject property was advertised for sale with the Multiple Listing Service. The appellant presented a settlement statement for the transaction, which identifies the seller as State Bank of Herscher Trust #1209, and a listing sheet, which discloses that the subject was exposed to the market for 69 days and was “REO/Lender Owned.”

The appellant also submitted information on six comparable sales located in Kankakee, together with listing sheets for these comparables. The parcels range in size from 2,250 to 7,525 square feet of land area and are improved with 1.5-story homes of frame, vinyl siding, or aluminum siding exterior construction. Five of the comparables range in size from 868 to 1,900 square feet of living area and five of the comparables were built from 1880 to 1910. Five homes each have a basement and one home has a cellar. Three homes each have central air conditioning. Three homes each have a 1-car or a 2-car garage. The comparables sold from February 2018 to July 2019 for prices ranging from \$18,500 to \$41,133 or from \$15.30 to \$37.72 per square foot of living area, including land.²

The appellant further contends that the subject property was the subject matter of an appeal before the Board in a prior year under Docket Number 18-01230-R-1. More specifically, in Docket Number 18-01230.001-R-1, the Board rendered a decision lowering the assessment of the subject property to \$12,991 based on the evidence presented by the parties. The appellant cited to Section 16-185 the Property Tax Code (35 ILCS 200/16-185) as the basis for the contention of law.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$9,366, which would reflect a market value of \$28,101 or \$35.75 per square foot of living area, including land, at 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 \$19,035. The subject's assessment reflects a market value of \$57,145 or \$72.70 per square foot of living area, land included, 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. The board of review disclosed that 2018 was the first year of the general assessment cycle for the subject property.

The board of review submitted a brief arguing that the subject's assessment was reduced for the 2018 tax year to reflect the subject's 2018 sale price, but that the appellant subsequently made improvements to the subject property and the subject's assessment was increased accordingly. The board of review asserted that the township assessor asked for an inspection of the subject property and for copies of the leases for the subject property but received no response from the appellant. The board of review stated that the appellant's comparables differ from the subject in condition and the listing sheets for these comparables suggest they needed work. Based on this evidence the board of review requested confirmation of the subject's assessment.

² This range does not include comparable #6 as no dwelling size was provided from which the price per square foot may be calculated.

In written rebuttal, the appellant contended that the board of review did not dispute the 2018 sale of the subject property and did not submit any evidence to support the subject's market value as reflected in its 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 met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the Board notes that the board of review explained in its brief that the increase in the subject's assessment was justified by improvements made to the subject property after the appellant's purchase. The Board finds that the board of review did not present any evidence to substantiate the subject's assessment following these improvements, such as permits, plans, or other documents upon which it would have relied in determining the subject's assessment.

The Board finds the best evidence of market value to be the purchase of the subject property in July 2018 for a price of \$39,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant disclosed the parties to the transaction were not related, the property had been advertised on the open market with the Multiple Listing Service, and it had been on the market for 69 days. In further support of the transaction the appellant submitted a copy of the settlement statement. The subject's assessment reflects a market value of \$57,145 or \$72.70 per square foot of living area, including land, which is above the purchase price. 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. Based on this record the Board finds the subject property had a market value of \$39,000 as of January 1, 2019. Since market value has been determined the 2019 three year average median level of assessment for Kankakee County of 33.31% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

The appellant further makes a contention of law regarding the interpretation and application of section 16-185 of the Property Tax Code (35 ILCS 200/16-185). The standard of proof on a contention of law is a preponderance of the evidence. (See 5 ILCS 100/10-15).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash

value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

Even though the board of review disclosed that 2018 and 2019 are within the same general assessment period, the appellant indicated that the subject is not an owner-occupied residence, and consequently, the Board finds no further reduction pursuant to Section 16-185 is 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: July 19, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

HB Equities, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Kankakee County Board of Review
County Administration Building
189 East Court Street 1st Floor
Kankakee, IL 60901