



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

APPELLANT: HB Equities
DOCKET NO.: 19-09490.001-R-1
PARCEL NO.: 16-09-32-310-007

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: \$1,997
IMPR.: \$5,381
TOTAL: \$7,378

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 one-story dwelling of wood siding exterior construction¹ with 880 square feet of living area. The dwelling was constructed in 1914. Features of the home include a basement and a 2-car garage. The property has a 6,250 square foot site and is located in Kankakee, Kankakee Township, Kankakee County.

The appellant's appeal is based on both 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 in 2018 for a price of \$22,150. 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

¹ Additional details regarding the subject property not provided by the appellant are found in the subject's property record card presented by the board of review.

Multiple Listing Service. The appellant presented a settlement statement for the transaction, which identifies the seller as Bayview Loan Servicing, LLC and the sale date as January 26, 2018. The appellant presented a listing sheet, which discloses that the subject was exposed to the market for 12 days and was "REO/Lender Owned."

The appellant also submitted information on three comparable sales located in Kankakee, together with listing sheets for these comparables. Two parcels have either 5,149 or 6,250 square feet of land area. The comparables are improved with one-story homes of aluminum siding or brick and vinyl siding exterior construction ranging in size from 864 to 1,200 square feet of living area. Two of the comparables were built in 1915 and 1925. Each home has a basement. One home has central air conditioning and two homes each have a 1-car or a 2-car garage. The comparables sold from January to May 2018 for prices ranging from \$8,000 to \$20,000 or from \$8.93 to \$16.67 per square foot of living area, including land.

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 18-01231-R-1. More specifically, in Docket Number 18-01231.001-R-1, the Board rendered a decision lowering the assessment of the subject property to \$7,378 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 \$4,500, which would reflect a market value of \$13,501 or \$15.34 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 \$16,561. The subject's assessment reflects a market value of \$49,718 or \$56.50 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. The board of review presented the subject's property record card showing permits were obtained for "SIDING ON HOUSE & GARAGE" with an indicated permit amount of \$2,000 and for "GUTTED INT W/PLG&+ELEC" with no permit amount indicated. Based on this evidence the board of review requested confirmation of the subject's assessment.

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 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 of review presented the subject's property record card showing that permits were issued for improvements, specifically, a permit for siding in the amount of \$2,000 and a permit for interior construction with no permit amount disclosed. The Board finds this evidence is insufficient to substantiate the subject's assessment following these improvements.

The Board finds the best evidence of market value to be the purchase of the subject property in January, 2018 for a price of \$22,150. 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 12 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 \$49,718 or \$56.50 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 \$22,150 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