



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

APPELLANT: Keith Giemzik  
DOCKET NO.: 20-04165.001-R-1  
PARCEL NO.: 16-05-21-204-054-0000

The parties of record before the Property Tax Appeal Board are Keith Giemzik, the appellant, by Dennis D. Koonce, Attorney at Law in Frankfort, 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:** \$30,990  
**IMPR.:** \$102,310  
**TOTAL:** \$133,300

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 2020 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 brick exterior construction with 2,506 square feet of living area.<sup>1</sup> The dwelling was constructed in 2006. Features of the home include an unfinished basement, central air conditioning, two fireplaces and a 734 square foot garage. The property has an approximately 7,454 square foot site and is located in Homer Glen, Homer Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant noted the subject was listed for \$399,900 but did not sale after 156 days on the market. The appellant submitted the subject's Multiple Listing Service (MLS) sheet that disclosed the subject property was originally listed on July 10, 2019 for a price of \$439,000 with a final price reduction to \$399,900. The subject property's listing was cancelled on December 12, 2019. The appellant

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<sup>1</sup> The Board finds the best evidence of the subject's dwelling size was the property record card provided by the board of review which included a sketch diagram with dimensions and area calculations.

also submitted the Residential Exclusive Right to Sell Marketing Agreement for the subject that disclosed the term of the agreement from July 8, 2019 to January 8, 2020. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$154,310. The subject's assessment reflects a market value of \$462,421 or \$184.53 per square foot of living area, land included, when using the 2020 three year average median level of assessment for Will County of 33.37% as determined by the Illinois Department of Revenue.

In response to the appellant's appeal based on recent sale, the board of review submitted a memo from the township assessor. The assessor argued the subject was not listed for sale in 2020. The assessor submitted the subject's listing sheet in 2019 and the subject's rental listing (Exhibit A) that disclosed the subject was rented on December 12, 2019 for \$3,200 per month. The assessor also submitted a listing printout (Exhibit B) from 2021 that disclosed the subject's list price of \$474,900.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located on same street and within .06 of a mile from the subject. The comparables have sites ranging in size from 7,456 to 7,551 square feet of land area. The comparables consist of two-story dwellings of brick; brick, cedar siding and stone; or brick, stucco and stone exterior construction ranging in size from 2,077 to 2,681 square feet of living area. The dwellings were constructed in 2010 and 2011. Each comparable features an unfinished basement, central air conditioning, one fireplace and a garage ranging in size from 534 to 560 square feet of building area. The comparables sold from May 2018 to August 2019 for prices ranging from \$406,000 to \$435,000 or from \$162.25 to \$195.47 per square foot of living area, including land. The board of review provided property record cards for each of its comparables. Based on this evidence, the board of review requested confirmation of the subject's 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 record disclosed the subject property was listed for sale in the Multiple Listing Service beginning on July 10, 2019 for a price of \$439,000 and had its final price reduction on December 12, 2019 to a price of \$399,900. The board of review submitted four comparable that sold from May 2018 to August 2019 for prices ranging from \$406,000 to \$435,000. The Board finds the appellant listed the property for an amount below the market value reflected by the subject's assessment. Typically, the listing price sets the upper limit of value. Furthermore, the board of review comparables sold below the market value as reflected by the subject's assessment and less proximate to the January 1, 2020 assessment date than the subject's cancelled listing on

December 12, 2019. Based on this record, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject was overvalued and 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: February 21, 2023



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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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