



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

APPELLANT: Denise & Jason Garcia  
DOCKET NO.: 21-05579.001-R-1  
PARCEL NO.: 11-04-26-402-007-0000

The parties of record before the Property Tax Appeal Board are Denise & Jason Garcia, the appellants, 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:** \$22,152  
**IMPR.:** \$90,537  
**TOTAL:** \$112,689

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 2021 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 2-story dwelling of frame and brick exterior construction with 3,591 square feet of living area. The dwelling was constructed in 2005. Features of the home include a basement, central air conditioning, a fireplace, and a 778 square foot garage. The property has a 10,871 square foot site and is located in Lockport, Lockport Township, Will County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on March 17, 2020 for a price of \$338,000. The appellants completed Section IV – Recent Sale Data of the appeal petition disclosing the sale was not between related parties, the seller was Kenneth Kestas, the property was sold by realtor and was advertised on the Multiple Listing Service for 46 days, and the sale was not due to foreclosure or by contract for deed. In support of the sale, the appellants

submitted a listing sheet describing a listing time of 46 days and a sale price of \$338,000. The appellants also submitted a Closing Disclosure, which describes a sale of a property located in Naperville on February 10, 2021 from seller, Kenneth Kestas, to buyer, The Leonardo Garcia Revocable Trust, for a price of \$408,000. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the March 2020 purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$115,744. The subject's assessment reflects a market value of \$347,163 or \$96.68 per square foot of living area, land included, when using the 2021 three year average median level of assessment for Will County of 33.34% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located within the same subdivision as the subject. The comparables have sites ranging in size from 9,600 to 15,962 square feet of land area and are improved with 2-story homes of frame and brick exterior construction ranging in size from 3,015 to 3,624 square feet of living area. The dwellings were built in 2004 or 2005. Each home has a basement, central air conditioning, and a garage ranging in size from 420 to 773 square feet of building area. Three homes each have a fireplace. The comparables sold from February 2020 to June 2021 for prices ranging from \$363,200 to \$405,000 or from \$102.51 to \$126.00 per square foot of living area, including land.

The board of review submitted a brief contending that the Closing Disclosure presented by the appellants relates to a different property than the subject. The board of review asserted the subject transferred by deed in lieu of foreclosure in November, 2017 and was sold by the lender in March, 2020 for a price of \$338,000. The board of review presented copies of the Deed in Lieu of Foreclosure and the Real Estate Transfer Declaration for the March 2020 sale, which disclosed the property was advertised for sale. The board of review further asserted the subject's assessment was reduced to reflect the purchase price for the 2020 tax year. Based on this evidence, the board of review requested the subject's assessment be sustained.

### **Conclusion of Law**

The appellants contend 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 appellants 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 March, 2020 for a price of \$338,000. Although the appellants presented evidence of the sale of a different property, the board of review presented the Real Estate Transfer Declaration disclosing the subject property was advertised for sale. The board of review did not challenge the arm's length nature of the March 2020 sale and asserted it reduced the subject's assessment the prior year based on this sale price. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record, the Board finds the subject property had a

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market value of \$338,000 as of January 1, 2021. Since market value has been determined the 2021 three year average median level of assessment for Will County of 33.34% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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: December 19, 2023



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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