



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

APPELLANT: John Klos
DOCKET NO.: 21-05580.001-R-1
PARCEL NO.: 15-08-21-176-012-0000

The parties of record before the Property Tax Appeal Board are John Klos, 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: \$29,304
IMPR.: \$62,381
TOTAL: \$91,685

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 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 two-story dwelling of brick exterior construction with 2,519 square feet of living area. The dwelling was constructed in 1993. Features of the home include a basement with finished area, central air conditioning, two fireplaces, and a two-car garage.¹ The property has a 17,140 square foot site and is located in New Lenox, New Lenox Township, Will County.

¹ The appellant submitted conflicting evidence of the subject's garage size. In Section III of the appeal form, the appellant reports a two-car garage. However, the Multiple Listing Service (MLS) sheet provided by the appellant reports a four-car garage but also states "# Spaces: Gar: 5." The description of the subject property is taken solely from the appellant's Residential Appeal petition. The board of review provided no descriptive data of the property and failed to provide a copy of the subject's property record card as required by the Property Tax Appeal Board's procedural rules (86 Ill. Admin. Code §1910.40(a)).

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased August 2020 for a price of \$275,000. The appellant reported that the seller was the U.S. Department of Housing and Urban Development, the parties to the transaction were not related, and the property was sold through a realtor with ReMax. The appellant also indicated the property was advertised for sale through the Multiple Listing Service for a period of 39 days. In further support of the appeal, the appellant submitted a copy of the MLS listing sheet and the settlement statement which lists the sale price of \$275,000, a settlement date of August 21, 2020, and depicts commissions being distributed to Ryan Realty and Fixel Realty. 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 \$95,058. The subject's assessment reflects a market value of \$285,117 or \$113.19 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 stated that the subject sold in August 2020 for \$275,000 and the board of review lowered the assessment to \$95,058, which the board of review argued was reflective of the subject's recent sale plus the application of an equalization factor of 1.0370. 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 Board finds the best and only evidence of market value to be the purchase of the subject property in August 2020 for a price of \$275,000. 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 it had been on the market for 39 days. In further support of the transaction the appellant submitted a copy of the settlement statement associated with the sale of the subject property which reiterated the purchase price, date of sale, and depicted commissions being distributed.

The Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The Board finds the purchase price of \$275,000 is below the market value reflected by the assessment of \$285,117, land included.

The Board further finds that the board of review agreed that the August 2020 sale was an arm's length transaction and determined the purchase price was sufficient to reduce the subject's assessment to reflect that transaction plus the 2021 township equalization factor. However, the Property Tax Appeal Board finds the argument by the board of review that the subject's 2020 sale price should be increased due to the equalization factor of 1.0370 is unsupported and unpersuasive.

First, the Board finds that the Will County Board of Review did not present any substantive evidence of subsequent events that occurred which would cause a change in the subject's market value from its August 2020 purchase price. Second, the board of review did not present any evidence of market value, such as comparable sales, in support of the subject's assessment in order to establish that the sale price was no longer the best evidence of the subject's market value.

Finally, the Board finds instructive Illinois Department of Revenue publication, PTAX-1004, concerning how uniformity in assessments is achieved by applying equalization factors:

The assessment/sales ratio study shows **whether or not assessments within a given area actually average 33 1/3 percent of market value**. If the results of the study indicate that assessments are either higher or lower than 33 1/3 percent, a blanket percentage increase or decrease, called an "equalization factor" or "multiplier" is calculated and applied to all non-farm property to bring the level of assessment to 33 1/3 percent. The application of this uniform percentage increase or decrease to assessed values is called "equalization." [Emphasis added.] IDOR Publication PTAX-1004, The Illinois Property Tax System, page 17.

Here, where the subject's sale occurred less than a year from the assessment date at issue of January 1, 2021 and in the absence of other market value evidence suggesting that the sale price was no longer reflective of market value, based on this record, the Property Tax Appeal Board finds that the subject's 2021 assessment is not reflective of market value. Based on this record the Board finds the subject property had a market value of \$275,000 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: July 18, 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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