



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

APPELLANT: Leif Eckersberg - Homes of Illinois LLC
DOCKET NO.: 22-02995.001-R-1
PARCEL NO.: 30-07-27-101-021-0000

The parties of record before the Property Tax Appeal Board are Leif Eckersberg - Homes of Illinois LLC, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$6,299
IMPR.: \$20,365
TOTAL: \$26,664

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 2022 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 parties appeared before the Property Tax Appeal Board for a hearing at the Will County Office Building in Joliet pursuant to prior written notice. Appearing on behalf of the appellant was attorney Jessica Hill-Magiera and appearing on behalf of the Will County Board of Review were John Trowbridge and as a witness, Jim Brenczewski, Joliet Township Assessor.

The subject property consists of a 1-story dwelling of vinyl siding exterior construction with 893 square feet of living area. The dwelling was constructed in 1954. The home features a 345 square foot garage. The property has a 6,534 square foot site and is located in Joliet, Joliet Township, Will County.

The appellant claims overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on January 22, 2021

for a price of \$80,000, the parties to the transaction were not related, the property was sold by a realtor and advertised for sale through the Multiple Listing Service. To document the sale, the appellant submitted copies of the Master Statement, Multiple Listing Service Sheet (MLS), and PTAX-203 Real Estate Transfer Declaration. The MLS listing disclosed the subject was listed for \$74,900 and was on the market for 3 days. The listing remarks stated the subject sold “as is” and “needs some work”. The Master Statement disclosed real estate commissions were paid to ReMax Ultimate Professionals and Coldwell Banker 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 \$30,065. The subject's assessment reflects a market value of \$90,204 or \$101.01 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.¹

Upon questioning by Mr. Trowbridge, counsel testified that she did not alter the MLS sheet of the subject property associated with the sale that was submitted as evidence in the record. Mr. Trowbridge then provided an MLS sheet associated with the sale and asked for it to be submitted as part of the record. The MLS sheet that was disclosed in Broker Private Remarks: “Home is being sold AS-IS with all contents in it. All contents can be removed for \$5,000 more. House is in Decent shape.” When questioned, counsel stated that she has no reason to believe this information was incorrect but objects to the admissibility since it was not part of the record provided to the Property Tax Appeal Board. The ALJ reserved ruling on the objection. Mr. Trowbridge offered to stipulate a value that reflects the \$80,000 purchase price plus the \$5,000 cost to remove the contents from the home. Mr. Trowbridge testified that he spoke to the listing agent² of the subject property who told him that the buyers did not pay the \$5,000 for removal of the contents from the home but decided to do it themselves and the buyers did not receive a credit for the removal of the contents.

In support of its contention of the correct assessment the board of review submitted information on three comparables. However, board of review comparables #1 and #3 are equity comparables that do not address the appellant's overvaluation argument and will not be further analyzed in this appeal.³ Board of review comparable #2 is located in same subdivision as the subject and within .37 of a mile from the subject. The property has a 14,375 square foot site and is improved with a 1-story dwelling with 960 square feet of living area. This property sold in November 2022 for \$125,000 or \$130.21 per square foot of living area, including land.

In written rebuttal, counsel argued that the county did not dispute the recent sale of the subject, nor does it provide any evidence that the recent sale was not valid.

¹ Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). As of the development of this Final Administrative decision, the Department of Revenue has not published figures for tax year 2022.

² The Board finds Mr. Trowbridge's conversation with the listing agent to be hearsay as the listing agent was not present to be cross-examined.

³ When questioned by the ALJ, Mr. Brenczewski stated that only one of three comparables submitted by the township addressed the appellant's overvaluation argument which was comparable #2.

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 evidence of market value to be the purchase of the subject property in January 2021 for a price of \$80,000. 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 3 days. In further support of the transaction the appellant submitted a copy of the settlement statement, listing sheet and the PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds the purchase price is below the market value reflected by the assessment. 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. The Board finds the board of review's argument that the \$5,000 cost for removal of contents from the subject's home to be added to the purchase price of \$80,000 to be without merit. First, the Board finds the MLS sheet was not timely submitted and the Board sustains the appellant's objection. The PTAX-203 transfer declaration also disclosed the net consideration paid for the subject was \$80,000. Based on this record the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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: February 20, 2024



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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