



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

APPELLANT: Robert L. Rayburn
DOCKET NO.: 14-01051.001-R-1
PARCEL NO.: 21-14-13-219-032-0000

The parties of record before the Property Tax Appeal Board are Robert L. Rayburn, the appellant; and the Will County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$4,441
IMPR.: \$21,488
TOTAL: \$25,929

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 2014 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 is improved with a part split-level and part one-story dwelling of frame construction with 1,464 square feet of living area. The dwelling was constructed in 1975. Features of the home include a partial finished basement, one fireplace and an attached garage with 483 square feet of building area. The property is located in University Park, Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on eight comparable sales improved with part split-level and part one-story dwellings that ranged in size from 1,464 to 1,736 square feet of living area. The dwellings were constructed from 1970 to 1975. Six of the comparables had part crawl space foundations, one comparable had a part slab foundation and one comparable had a full basement. Additionally, seven comparables had central air conditioning, four comparables each had one fireplace and each comparable had a garage ranging in size from 240 to 483 square feet of

building area. The comparables sold from April 2013 to August 2014 for prices ranging from \$9,900 to \$45,000 or from \$6.65 to \$29.09 per square foot of living area, including land. The appellant's analysis included adjustments to the comparables for differences from the subject resulting in adjusted prices ranging from \$9,598 to \$40,698. Based on this evidence the appellant requested the subject's assessment be reduced to \$9,818 to reflect a market value of \$29,457.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,929. The subject's assessment reflects a market value of \$78,029 or \$53.30 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Will County of 33.23% as determined by the Illinois Department of Revenue.

In rebuttal the board of review provided a statement from the Monee Township Assessor asserting that appellant's comparable #1 was REO/Lender owned, sold "as is"; appellant's sale #2 was a short sale and sold "as is"; appellant's sale #4 was a foreclosure and sold again on April 1, 2014 for a price of \$122,500; appellant's sale #5 was REO/Lender owned and had foundation issues that will need to be corrected per a structural engineer report; appellant's comparable #7 was REO/Lender owned, sold "as is" and sold again on September 9, 2015 for a price for \$118,835; and appellant's comparable sale #8 was REO/Lender owned and sold again on September 9, 2015 for a price of \$99,000. In support of these statements the township assessor provided copies of the PTAX-203 Illinois Real Estate Transfer Declarations and copies of the Multiple Listing Service (MLS) listing sheets for the appellant's comparables.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales that were identified by the township assessor. The comparables were improved with a split level style dwelling and two part split-level and part one-story dwellings that ranged in size from 1,536 to 1,570 square feet of living area. Each comparable was 39 years old. Each comparable had a basement with finished area, central air conditioning and a garage ranging in size from 440 to 461 square feet of building area. The sales occurred from March 2013 to July 2014 for prices ranging from \$98,000 to \$116,400 or from \$63.02 to \$75.78 per square foot of living area, including land.

The board of review also submitted four equity comparables identified by the township assessor to demonstrate the subject property was being equitably assessed.

The board of review requested no change in the assessment be made.

In rebuttal the appellant asserted that some of the comparables may be foreclosures but noted that Section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides in part that the Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments including those compulsory sales of comparable properties submitted by the taxpayer.

The appellant also contends Redfin listing information indicates that board of review comparable sales #1 and #2 were renovated before they sold and board of review sale #3 sold in 2012 and not 2013.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains eleven comparable sales submitted by the parties to support their respective positions. The Board recognizes that many of the appellant's comparables sales may be either short sales or a foreclosures. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

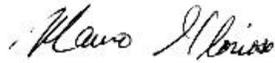
Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board give less weight to appellant's sale #5 as this property was reported on the MLS listing to have foundation issues. The Board gave less weight to board of review sale #3 as this property appears to have sold in 2012, not proximate in time to the assessment date at issue. The remaining sales had prices ranging from \$25,000 to \$116,400 or from \$17.08 to \$75.78 per square foot of living area, including land. The subject's assessment reflects a market value of \$78,029 or \$53.30 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this record the Board finds a reduction in the subject's assessment is not 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.



Chairman



Member



Member

Member



Acting 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: August 19, 2016



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 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 the subsequent year 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.

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.