FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: David Cryer
DOCKET NO.: 08-01216.001-R-1
PARCEL NO.: 30-07-16-115-049-0000

The parties of record before the Property Tax Appeal Board are David Cryer, the appellant, and the Will County Board of Review.

Based on the facts and exhibits presented, 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:	$10,379
IMPR.:	$43,802
TOTAL:	$54,181

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one and one-half-story dwelling of masonry construction containing 1,404 square feet of living area. The dwelling is 84 years old. Features of the home include a full unfinished basement, central air conditioning, and a garage of 240 square feet of building area. The property consists of a 7,840 square foot site located in Joliet, Joliet Township, Will County.

The appellant's appeal is based on both unequal treatment in the assessment process and overvaluation. In support of these claims, the appellant submitted a grid analysis of three comparable properties located within two blocks of the subject with both assessment and sales data.

In addition, the appellant also reported the purchase price of the subject property in August 2006 for $163,000 or $116.10 per square foot of living area including land. The appellant reported the property was purchased from the previous owner, the parties to the transaction were not related, and the seller's mortgage was not assumed. The property record card concerning the subject parcel was submitted and reflects that a Warranty Deed was recorded for an August 1, 2006 sale at $138,000

"invalid, 2005 contract, Buyer; William O. White, Seller; Ronald Hopkins" and also a Warranty Deed was recorded for a September 1, 2006 sale at $163,000 "invalid, not advertised for sale, Buyer; David R. Cryer, Seller; William O. White."

In Section V of the Residential Appeal petition, the comparables are described as two-story slate or frame dwellings that range in age from 49 to 80 years old. The dwellings contain either 1,400 or 1,600 square feet of living area. Each has a partial unfinished basement; one comparable has central air conditioning; and two comparables have 350 square foot garages. The comparables have improvement assessments ranging from $32,100 to $35,400 or from $22.13 to $23.21 per square foot of living area. The subject's improvement assessment is $45,582 or $32.47 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to $32,000 or $22.79 per square foot of living area.

As to the land inequity argument, the appellant reported the subject parcel contains 3,200 square feet of land area, identical to each of the three comparables. The comparables were said to have land assessments ranging from $7,930 to $12,320 or from $2.48 to $3.85 per square foot of land area. The subject's actual land area of 7,840 square feet as reported by the assessing officials with a land assessment of $10,379 is $1.32 per square foot of land area. The appellant requested a reduction in the subject's land assessment to $8,000 or $1.02 per square foot of land area.

In support of the overvaluation argument, the appellant also submitted sale dates and sale prices for each of the comparables. The sales occurred between February and August 2006 for prices ranging from $120,000 to $145,000 or from $85.71 to $92.86 per square foot of living area land included. Based on this evidence, the appellant requested a total assessment reduction to $40,000 or to reflect a market value of approximately $120,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $55,961 was disclosed. The subject's assessment reflects an estimated market value of $168,354 or $119.91 per square foot of living area, land included, using the 2008 three-year median level of assessments for Will County of 33.24%.

In response to the appellant's evidence, the board of review submitted a letter from James A. Brenczewski, the Joliet Township Assessor. It stated that each of the appellant's comparables were two-story dwellings as compared to the subject's one and one-half-story design. The assessor further reported the comparables are assessed "at or above their sale price"; "conditions in this neighborhood vary from house to house as evidenced by different sales prices"; the appellant paid $163,000 for the subject property in 2006 which would be an assessment of $54,328; and the 2007 county multiplier was 1.08 and the 2008 multiplier was 1.0568. Based upon these facts, the township

assessor concludes that the subject's 2008 assessment is below the sale price with applicable multipliers.

In further support of the subject's assessment and market value, the board of review through the assessor presented a grid analysis with descriptions, assessment and sales information on three comparable properties. The comparables consist of one and one-half-story frame or frame and masonry dwellings that were built between 1884 and 1918. The dwellings range in size from 1,464 to 1,854 square feet of living area. Features include full unfinished basements and garages ranging in size from 216 to 352 square feet of building area. One comparable also has central air conditioning. These properties have improvement assessments ranging from $53,553 to $63,549 or from $34.28 to $37.27 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's improvement assessment.

The three comparables have parcels of either 6,098 or 6,534 square feet of land area. These properties have land assessments ranging from $9,020 to $11,181 or from $1.38 to $1.83 per square foot of land area. The subject parcel of 7,840 square feet of land area has a land assessment of $10,379 or $1.32 per square foot of land area which is below the range of these comparables.

The board of review also reported that the comparables sold from November 2006 to March 2009 for prices ranging from $65,000 to $190,000 or from $35.06 to $129.25 per square foot of living area land included. Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends that the subject's assessment should be reduced based in part on overvaluation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the market evidence in the record does support a reduction in the subject's assessment.

The evidence disclosed that the subject was purchased in September 2006 for a price of $163,000. The board of review, through the township assessor, acknowledged the sale price and did not challenge the arm's-length nature of the transaction. While both parties also presented additional sales to support their respective positions regarding the subject's estimated market value, the Property Tax Appeal Board finds that comparable sales are a less relevant consideration in this situation. Ordinarily, property is valued based on its fair cash value (also

referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc., 45 Ill. 2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). In light of this holding, the comparable sales submitted by both parties have been given less weight.

The Board finds the best evidence of the subject's fair market value in the record is the September 2006 purchase for $163,000. Based on the foregoing, the Property Tax Appeal Board finds the subject property had a market value of $163,000 on January 1, 2008. Since the subject's assessment reflects a higher estimated market value of $168,354, the Board finds that a reduction is warranted. Since the fair market value of the subject has been established, the Board finds that the 2008 three-year median level of assessments for Will County of 33.24% shall apply.

The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

> "the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]
>
> Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is

> the test.[citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21.

Having determined that the subject's assessment should be reduced to reflect its 2006 purchase price, the Board further finds that the newly reduced improvement assessment now results in the subject dwelling falling below the range of the board of review's comparables on a per-square-foot basis. The Board finds the board of review's comparables were most similar to the subject as compared to the comparables presented by the appellant. Thus, no further reduction in the subject's improvement assessment is warranted on this record. Furthermore, the Board finds the subject's land assessment appears to be equitable as it falls within the range of the six comparable parcels on this record.

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

Member

DISSENTING:

C E R T I F I C A T I O N

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: October 21, 2011

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.