



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

APPELLANT: Juan Inglis  
DOCKET NO.: 09-00836.001-R-1  
PARCEL NO.: 23-15-03-210-055-0000

The parties of record before the Property Tax Appeal Board are Juan Inglis, 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:** \$14,799  
**IMPR.:** \$58,534  
**TOTAL:** \$73,333

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of an 11 year old, two-story brick and vinyl dwelling containing 2,515 square feet of living area. Features include central air conditioning, a two-car attached garage, an unfinished basement and one fireplace. The dwelling is situated on 17,010 square feet of land area.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant completed page two of the residential appeal form, under Section IV Recent Sale Data. The appellant purchased the property February 24, 2009 for a sale price of \$166,000. The appeal petition indicates that the subject property was advertised for sale in the open market and the parties to the transaction were unrelated. The appellant indicated that \$12,521 was spent in renovation before the dwelling was occupied, for a total cost of \$178,521.

The appellant also submitted an appraisal report estimating the subject property had a market value of \$200,000 as of October 17, 2009. The purpose of the appraisal was for "refinance transaction." The appraiser developed the sales comparison

approach to value in estimating the market value of the subject property. The appraiser utilized three suggested comparable sales, an active listing and a pending sale. These comparables are located from 0.28 to 2.26 miles from the subject. Three of the comparables contain from 6,120 to 56,628 square feet of land area. Comparables 1 and 5 were reported to be "similar" to the subject property in land area. The comparables consist of two-story dwellings of brick or frame and brick construction that contain from 2,678 to 3,256 square feet of living area. The dwellings range from three to 32 years old. Features include full basements, three having recreation rooms; central air conditioning, and two-car or three-car garages. Comparables 1 through 3 sold from July 2009 to September 2009 for sale prices ranging from \$188,000 to \$235,000 or from \$57.74 to \$82.46 per square feet of living area including land. Comparable 4 was listed for sale in the open market for \$229,909 or \$82.29 per square foot of living area including land. Comparable 5 was a pending sale for \$215,000 or \$69.81 per square feet of living area including land. After adjusting the comparables for differences when compared to the subject in condition, land size, dwelling size, basement finish and other amenities, the appraiser calculated that the comparables had adjusted sales/listing prices ranging from \$185,000 to \$212,500 or from \$56.82 to \$75.06 per square foot of living area including land. Based on these adjusted sale prices, the appraiser concluded the subject property had an estimated fair market value of \$200,000 or \$79.52 per square foot of living area including land as of October 17, 2009.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$73,333, which reflects an estimated market value of approximately \$220,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$86,875 was disclosed. The subject's assessment reflects an estimated market value of \$261,908 or \$104.14 per square foot living area, including land, using Will County's 2009 three-year median level of assessments of 33.17%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal prepared by the township assessor, photographs, a grid analysis of the five comparables used by the appellant's appraiser and an analysis of five additional comparable sales.

The five additional comparables consist of two-story frame, stucco or brick and frame dwellings that were built from 1942 to 2004. The board of review did not disclose the proximate location of the comparables in relation to the subject. The comparables have central air conditioning and one or two fireplaces. Other features include two-car or three-car garages and basements ranging from 740 to 1,603 square feet. Two comparables have partial finished basements with one being a walk-out. The comparables range in size from 1,804 to 2,814

square feet of living area. Their land sizes were not disclosed. The comparables sold from April 2007 to February 2008 for prices ranging from \$265,000 to \$359,912 or from \$116.04 to \$146.90 square foot of living area including land.

The letter submitted by the township assessor addressed the comparables that were used by the appellant's appraiser. The letter stated that comparable 5 is located in Cook County and should be inadmissible. Comparable 4 is a listing and the last sale on the property was in 1986. Comparable 3 was a foreclosure and resold by the lending institution. Comparables 1 and 2 were valid sales with the average sale price of \$211,450. Based on this evidence, the board of review requested confirmation of the subject's 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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value 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 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant has met this burden of proof.

The evidence disclosed that the appellant purchased the subject property on February 24, 2009 for \$166,000. The appellant also stated that \$12,521 was spent on renovation before the property was occupied for a total cost of \$178,521. The board of review did not refute the arm's-length nature of the subject's sale price or its condition at the time of sale. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 (1<sup>st</sup> 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).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$166,000 in February 2009. The appellant also spent \$12,521 in renovations before occupying the property for a total acquisition cost of \$178,521. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. The

subject's assessment reflects an estimated market value of \$261,908, which is greater than its sale price. Therefore a reduction is warranted

Also for the Board's consideration, the appellant submitted an appraisal estimating the subject property had a fair market value of \$200,000, as of October 17, 2009. Although the board of review pointed out some perceived deficiencies in the appellant's appraisal, the board of review did not refute the valuation conclusion contained in the appraisal. The subject's assessment reflects an estimated market value of \$261,908, which is greater than its appraised value. Therefore a reduction is warranted.

The Board gave less weight to the five suggested comparable sales submitted by the board of review. First the location and land sizes were not disclosed which detracts from the weight of this evidence. Comparable 1 is smaller than the subject. Comparables 2 and 3 are dissimilar in age to the subject. Comparables 2 and 5 have finished basements, unlike the subject. Moreover, four of the five sales occurred in 2007, which are not considered representative of market value as of the subject's January 1, 2009 assessment date.

Based on this analysis, the Property Tax Appeal Board finds the appellant has demonstrated the subject property is overvalued by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is incorrect and a reduction commensurate with the appellant's assessment 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.

*Donald R. Cuit*

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Chairman

*K. L. Fern*

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Member

*Frank A. Huff*

\_\_\_\_\_  
Member

*Mario Morris*

\_\_\_\_\_  
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: May 18, 2012

*Allen Castrovillari*

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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.