FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Dave & Maureen Rogina
DOCKET NO.: 09-00999.001-R-1
PARCEL NO.: 14-12-10-202-039-0000

The parties of record before the Property Tax Appeal Board are Dave & Maureen Rogina, the appellants, and the Will County Board of Review.

Based on the facts and exhibits presented, 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:	$45,000
IMPR.:	$0
TOTAL:	$45,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject vacant parcel of approximately 33,323 square feet of land area or .765-acres is located in Manhattan, Manhattan Township, Will County.

The appellants' appeal is based on overvaluation of the subject property.[1] In support of this market value argument, the appellants submitted information on three comparable parcels located within 2-miles of the subject. The comparable parcels range in size from 13,417 to 61,152 square feet of land area. The comparables sold between May 2006 and July 2008 for prices ranging from $105,000 to $123,500 or from $1.74 to $8.38 per square foot of land area. Based on this evidence, the appellants requested a reduction in the subject's land assessment to $30,000 which would reflect a market value of approximately $90,000 or $2.70 per square foot of land area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $45,000 was

[1] While 'recent sale' and 'recent appraisal' were also marked as bases of the appeal, there was no data concerning a recent sale of the subject property and there was no appraisal report of the subject attached to the appeal.

disclosed. The subject's assessment reflects an estimated market value of $135,665 or $4.07 per square foot of land area using the 2009 three-year median level of assessments for Will County of 33.17%. (86 Ill.Admin.Code §1910.50(c)(1)).

In support of the subject's assessment, the board of review presented a letter from the township assessor indicating that lots are assessed on a site value basis in the subject's subdivision as sales presented no direct relationship to front foot or square foot. The assessor also presented a grid analysis of three comparable sales located in the subject's subdivision. The comparables range in size from 13,155 to 17,468 square feet of land area or from .302 to .401 of an acre of land area. The properties sold between May 2006 and July 2008 for prices ranging from $135,000 to $148,000 or from $7.73 to $11.25 per square foot of land area. 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 Board further finds a reduction in the subject's assessment is not warranted.

The appellants contend the assessment of the subject property is excessive and not reflective of its market value. 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). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

Except in counties with more than 200,000 inhabitants which classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). 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).

The parties submitted a total of six comparable sales for the Board's consideration. The comparables were each either substantially larger or substantially smaller than the subject property. Despite the dissimilarity in land size, the Board finds that all of the comparables sold between May 2006 and July 2008 for prices ranging from $1.74 to $11.25 per square foot of land area. The subject's assessment reflects a market value of

approximately $135,665 or $4.07 per square foot of land area, which is within the range established by the comparables on this record. After considering these sales, the Property Tax Appeal Board finds the appellants did not demonstrate that the subject property's assessment is excessive in relation to its market value and a reduction in the subject's assessment is not 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.

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: January 31, 2013

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.