



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

APPELLANT: William & Linda Kous  
DOCKET NO.: 10-00193.001-R-1  
PARCEL NO.: 14-12-10-201-176-0000

The parties of record before the Property Tax Appeal Board are William & Linda Kous, 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:** \$10,500  
**IMPR.:** \$74,000  
**TOTAL:** \$84,500

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story townhome of brick exterior construction that contains 1,665 square feet of living area and was built in 2007. Features of the home include central air conditioning, one fireplace, a concrete slab foundation and a 430 square foot attached garage. The subject has a 2,526 square foot site and is located in Manhattan, Manhattan Township, Will County.

The appellant, William Kous, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellants provided a letter addressing the complaint along with a list of the evidence, photographs, property record cards, and a grid analysis containing descriptions and sales information on five suggested comparable single family dwellings located from 2.7 to 3.35 miles from the subject property. The comparables are improved with a one-story or four, two-story townhomes that ranged in size from 1,613 to 1,944 square feet of living area. The townhomes are of frame or brick and frame construction and were built from 2001 to

2009. Other features include central air conditioning and attached garages ranging from 361 to 538 square feet of building area. Three comparables have concrete slab foundations and two comparables have partial unfinished basements. None of the comparables have fireplaces. The comparables sold from October 2009 to June 2010 for prices ranging from \$170,000 to \$210,000 or from \$104.74 to \$125.21 per square foot of living area, including land. The grid analysis also contained information that the subject property sold in July 2009 for a sale price of \$254,100 or \$152.61 per square foot of living area, including land.

Also submitted was a Comparative Market Analysis dated August 24, 2010 prepared by George Slowinski for The G-Slow Team RE/MAX TEAM 2000 with a suggested marketing price for the subject of \$198,973. The three comparables used in the market analysis were submitted by the appellants as three of their five comparable sales. Mr. Slowinski was not present at the hearing to provide testimony and be cross examined regarding the market analysis methodology.

Kous testified that he and his wife purchased the subject property in July 2009 for \$254,100. He also testified that the subject property was purchased through a realtor that was working with the developer and builder for the marketing of the property. The appellant also testified that he and his wife, due to the economic times, tried to refinance the subject property after the purchase. The bank responded that the best market value would be \$220,000. There was no evidence submitted to substantiate the bank's estimated market value of the subject property. Kous testified that at the time the assessment was generated for 2010 there were no comparables in the subject property's development so he checked for comparable townhomes in Manhattan Township and that is how he arrived at the sale comparables that were submitted.

Upon cross-examination, Mr. Kous reiterated that he and his wife paid \$254,100 for the subject property in July 2009.

Based on the evidence, the appellants request a reduction in their assessment to \$66,700 or a market value of approximately \$200,100.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$84,500 was disclosed. The subject's total assessment reflects a market value of approximately \$253,525 or \$152.27 per square foot of living area, using the statutory level of assessments.

In support of the subject's assessment, the board of review called as its witness Joseph Oldani, Township Assessor of Manhattan Township.

Oldani testified that the five comparables submitted by the appellants were not located in the subject's subdivision of Sunset Lakes. Oldani also asserted that the comparables

submitted by the appellants are mostly two-story frame construction when compared to the subject's one-story brick construction. Also comparable #1 submitted by the appellants is in a SSA subdivision<sup>1</sup> and comparable #3 quality of construction is far inferior when compared to the subject.

Oldani testified that he prepared the evidence for the board of review to support the subject's estimated market value as reflected by its assessment. This letter and attachments addressed various aspects of the appeal, and included a developer's price sheet, a list of standard luxury features for the subject's subdivision, property record cards, and photographs. He prepared a grid analysis with descriptions of five suggested comparable properties selected by the township assessor's office, three of which included sales data and two of which were presented for purposes of equity.

The three sales comparables consist of one-story townhomes of brick exterior construction that ranged in size from 1,665 to 1,731 square feet of living area. The townhomes are located in Sunset Lakes the same as the subject property and were built in 2007. Each comparable has central air conditioning, one fireplace and a 430 square foot attached garage. One comparable has a concrete slab foundation, one comparable has a part unfinished basement and one comparable has a full unfinished basement. The comparables sold from December 2007 to February 2009 for prices ranging from \$250,000 to \$305,880 or from \$126.46 to \$176.71 per square foot of living area, including land. Oldani testified that the range of the sales submitted show the appellants' sale price was at the low end of the range.

At hearing, Oldani was informed that submission of equity evidence in response to the appellant's market value argument would not be considered and the additional equity comparables will not be further addressed herein.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellants 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 appellants have not met this burden of proof.

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<sup>1</sup> The assessor testified that each home in this subdivision is responsible for a \$25,000 lien which is paid over 30 years for infrastructure and the homes sell for less.

The Property Tax Appeal Board finds the best evidence of the subject's fair market value in this record is the subject's July 2009 arm's length sale price for \$254,100 which occurred a mere 6 months prior to the assessment date of January 1, 2010. 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 Board finds this record contains sales information for eight suggested comparable sales. In light of the foregoing case law, the Board gave less weight to this sales evidence. The Board finds the best evidence of the subject's fair market value in the record is the July 2009 sale price of the subject property. The subject's assessment reflects an estimated market value of approximately \$253,525 or \$152.27 per square foot of living area including land which is reflective of its recent purchase price.

Based on this evidence the Board finds the subject's assessment is reflective of the property's market value and a reduction in the 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

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: February 22, 2013

*Allen Castrovillari*

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.