



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

APPELLANT: Angella Thomas
DOCKET NO.: 10-00332.001-R-1
PARCEL NO.: 23-16-07-409-006-0000

The parties of record before the Property Tax Appeal Board are Angella Thomas, 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: \$16,508
IMPR.: \$75,439
TOTAL: \$91,947

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story single-family frame and brick dwelling that contains 3,185 square feet of living area. The dwelling is 15 years old and features include a partial basement, central air conditioning, a fireplace and an attached two-car garage. The property is located in Crete, Crete Township, Will County.

The appellant submitted a residential appeal contending overvaluation based on a recent purchase of the subject property. In support of the appeal, the appellant completed Section IV - Recent Sale Data indicating the subject property was purchased in November 2008 for a price of \$190,000 or \$59.65 per square foot of living area, including land. The appellant indicated the subject property was sold by Wells Fargo Bank, the parties to the transaction were not related and the property was sold using Williamson Realty with agent Daryl Russell after having been advertised on the open market with using the Multiple Listing Service and the internet for 2 years. The copies of the Real Estate Contract and the Settlement Statement disclosed a sales price of \$190,000. The appellant further disclosed that \$14,000

was expended in renovations before occupying the property in May 2009.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$45,100 which would reflect a market value of approximately \$135,300 at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$130,815 was disclosed. The subject's assessment reflects an estimated market value of approximately \$393,547 or \$123.56 per square foot of living area, including land, utilizing the 2010 three-year median level of assessments for Will County of 33.24% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review submitted a letter prepared by the Crete Township Assessor along with evidence of six comparable sales. The township assessor reported in detail that field staff visited the subject property at the appellant's request in December 2008 at which time some repairs had been completed. On April 3, 2009, the appellant advised the township assessor's office that the reported dwelling size was erroneous. The township assessor provided copies of the subject's property record cards and requested any suggested changes.

Furthermore, the 2009 assessment of the subject property was reduced to 1/3 of the purchase price "for a period of one year." The property was then reassessed the following year "according to what [the assessing officials] found on that visit." In July 2010, the assessment was recalculated including the 2010 negative multiplier of .9410 resulting in a total assessment of \$130,815.

The assessor contends that in September 2010 the appellant called again contending that there "was still a lot of damage." Field staff visited the home and "thought the visible condition was not out of line with other houses of similar age" in the township.

In May 2011, the appellant contacted the assessor arguing that the 2008 purchase price of a foreclosed and damaged home should continue to be the basis for the subject's assessment. The assessor reportedly advised that the appellant had "a full year of grace in 2009 to help her make those needed repairs" and thus the purchase was not a true indication of the market value of the home after it was repaired.

In October 2011, field staff visited the home again and were shown the entire dwelling, except for the master bedroom. The assessing officials recalculated the dwelling size and number of plumbing fixtures despite the incomplete view. Thus, the subject's reported 2011 assessment was \$90,709. The letter concluded, "[w]e are suggesting, if the Board agrees, that the 2010 assessment should be: 16,508 + 75,439 = 91,947 AV, or a \$275,841 market value."

In a grid analysis, the assessor on behalf of the board of review presented descriptions and sales data on six comparable properties. As part of the grid, it was noted that the subject property sold in December 2008 for \$190,000 or \$59.65 per square foot of living area, including land. The comparables were located in Crete and consist of a one-story and five, two-story frame brick or brick and frame dwellings that range in age from 5 to 31 years old. The dwellings range in size from 2,059 to 4,040 square feet of living area with full or partial basements, three of which have finished area and three of which are walkout-style. The homes have central air conditioning, fireplaces and garages. These comparables sold between February 2008 and May 2010 for prices ranging from \$249,900 to \$355,000 or from \$74.27 to \$135.99 per square foot of living area, including land.

Despite the letter of the Crete Township Assessor which comprised the entirety of the board of review's evidence in this proceeding, 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends 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 supports a reduction in the subject's assessment.

The appellant contends the subject's assessment should be reduced based on a recent purchase in November 2008. The evidence disclosed that the subject sold for \$190,000 and that renovations involving an expenditure of \$14,000 were performed before the property was occupied in May 2009.

As a general proposition, except in counties with more than 200,000 inhabitants that classify property for taxation purposes, each tract or lot of property is to be valued at 33 1/3% of its fair cash value. 35 ILCS 200/9-145. Section 1-50 of the Code defines fair cash value as:

The 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 information provided by the appellant indicated the sale had the elements of an arm's length transaction. However, the sale occurred approximately 13 months prior to the assessment date at issue and prior to the renovations which arguably added \$14,000 to the property's estimated market value.

The Property Tax Appeal Board finds that the record also contains six comparable sales presented by the board of review. Due to differences in dwelling size and/or age when compared to the subject, the Board has given less weight to board of review comparables #1, #3, #4 and #5. The Board finds the most similar comparable sales presented by the board of review were comparables #2 and #6 which sold in November 2009 and May 2009 for prices of \$249,900 and \$291,500 or for \$87.01 and \$83.10 per square foot of living area, including land, respectively. These sales are more proximate in time to the assessment date of January 1, 2010 than the sale of the subject property from November 2008. Due to the more recent sales of similar properties, the Property Tax Appeal Board finds the subject's assessment appears to be excessive both in terms of overall value and on a per-square-foot basis.

Additionally, on this record the Crete Township Assessor proposed and the board of review adopted the assessor's evidence. Included in the evidence was a proposal by the township assessor to reduce the subject's 2010 total assessment to \$91,947 which would reflect a market value of approximately \$276,617 or \$86.85 per square foot of living area, including land, using the three-year median level of assessments for 2010 in Will County of 33.24%. The proposed estimated market value for the subject of \$276,617 or \$86.85 per square foot of living area, including land, falls within the range of the two most similar comparable sales presented by the board of review.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject's assessment reflects an estimated market value of approximately \$393,547 or \$123.56 per square foot of living area, including land, which is higher than the most recent comparable sales on this record and higher than the proposed assessment reduction made by the Crete Township Assessor on this record. Therefore, the Board finds that a reduction in the subject's assessment is warranted commensurate with the proposed assessment reduction made by the Crete Township Assessor within the board of review's submission.

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

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: April 19, 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.