



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

APPELLANT: Mary Block
DOCKET NO.: 10-00344.001-R-1
PARCEL NO.: 30-07-27-105-013-0000

The parties of record before the Property Tax Appeal Board are Mary Block, 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: \$6,790
IMPR.: \$14,816
TOTAL: \$21,606

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 8,276 square feet of land area is improved with a one-story single-family dwelling of frame exterior construction that contains 816 square feet of living area. The dwelling is 56 years old. The property has a concrete slab foundation, a fireplace, and a 360 square foot garage. The property is located in Joliet, Joliet Township, Will County.

The appellant submitted a residential appeal contending overvaluation based on a recent purchase of the subject property and also submitted data on three comparable sales with color photographs along with a citation to a recently enacted provision of the Property Tax Code.

In support of the purchase price, the appellant completed Section IV - Recent Sale Data of the appeal form stating the property was purchased in October 2008 for a price of \$25,124. The appellant stated the property was sold by National City Bank through Three Rivers Realty, by agent Art Weller and was advertised for sale for 12 days in the Multiple Listing Service, the local paper and a sign in the yard. Also attached to the appeal was a copy of the Multiple Listing Service sheet concerning the subject with an original list price of \$24,900 and a contract date of October 2,

2008 for \$25,125. The remarks on the sheet include the property was "sold as-is."

In the appeal petition, the appellant also stated the parties to the transaction were not related. The appellant also submitted a copy of the Settlement Statement associated with the sale depicting a sale price of \$25,125.

For comparable sales, the appellant completed Section V of the appeal petition with information on three sales of properties located in the subject's subdivision of Preston Heights. The comparables were within two blocks of the subject and described as a two-story and two, one-story stucco, frame or frame and stone dwellings that were 56 years old. The comparables contain either 816 or 1,632 square feet of living area. One comparable has central air conditioning and each comparable has a garage ranging in size from 400 to 528 square feet of building area. The appellant also included copies of the Multiple Listing Service sheets for each of the comparables depicting marketing times from 19 to 200 days. The listing prices of the comparables ranged from \$29,900 to \$74,600. In the grid, the appellant reported the comparables sold between March 2010 and August 2010 for prices ranging from \$25,000 to \$31,500.

The appellant also submitted a copy of Senate Bill 3334 regarding addition of the definition of "compulsory sale" to the Property Tax Code.¹

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$8,375 or a market value of approximately \$25,125.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$27,502 was disclosed. The subject's assessment reflects an estimated market value of approximately \$82,738, utilizing the 2010 three-year median level of assessments for Will County of 33.24% as determined by the Illinois Department of Revenue.

In response to the assessment appeal, the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration depicting the sale of the subject property in April 2010 for a price of \$65,000. The document indicates that the subject was advertised for sale.

In further response to the appeal, the board of review submitted a grid analysis of three sales located in Preston Heights subdivision along with applicable property record cards. The

¹ The Board recognizes that Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010. The Board finds the effective date of these statutes is subsequent to assessment date at issue, January 1, 2010. The Board finds there is no language within either provision evidencing a clear expression of legislative intent to give these amendments retroactive effect. Therefore, the Board finds neither statute applies to the appellant's 2010 assessment.

comparables are improved with one-story frame dwellings that range in age from 52 to 88 years old. The comparables contain either 816 or 864 square feet of living area. Two comparables have concrete slab foundations and one has a full unfinished basement. Two comparables each have a 440 square foot garage. The properties sold between September 2007 and November 2009 for prices ranging from \$100,000 to \$134,303.

Based on the foregoing, 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 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 the sale of the subject and comparable sales contained in the record. The evidence disclosed that the subject sold in October 2008 for a price of \$25,125 after having been listed on the market for a period of 12 days. The board of review's responsive evidence also revealed that the subject property sold in April 2010 for \$65,000, a date much more proximate to the assessment date at issue in this proceeding of January 1, 2010.

In counties with 200,000 or fewer inhabitants 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 Supreme Court of Illinois has construed "fair cash value" to mean 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 so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983). Furthermore, a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

The evidence reveals the subject property sold four months after the assessment date of January 1, 2010 for \$65,000. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. Moreover, the appellant did not contest the arm's-length nature of the subject's April 2010 sale by filing any rebuttal evidence. Thus, based on the foregoing facts, the Property Tax Appeal Board finds the subject's April 2010 sale price of \$65,000 was arm's-length in nature and was more proximate in time to the assessment date of January 1, 2010 than the subject's sale price from October 2008. In conclusion, the Board finds the best evidence of the subject's fair market value in the record is the April 2010 sale for \$65,000.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$65,000 on January 1, 2010. The subject's assessment reflects an estimated market value of approximately \$82,738 which is higher than its most recent sale price. Since the fair market value of the subject has been established, the Board finds that the 2010 three-year median level of assessment for Will County of 33.24% shall apply to the April 2010 sale price of \$65,000 and a reduction in the subject's assessment is accordingly 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.

Ronald R. Cuit

Chairman

[Signature]

Member

Member

[Signature]

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: March 22, 2013

[Signature]

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.