



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

APPELLANT: David Cryer
DOCKET NO.: 10-00347.001-R-1
PARCEL NO.: 30-07-17-212-001-0000

The parties of record before the Property Tax Appeal Board are David Cryer, the appellant, 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: \$9,672
IMPR.: \$27,991
TOTAL: \$37,663

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 5,663 square feet of land area is improved with a one-story single-family dwelling of frame exterior construction that contains 768 square feet of living area. The dwelling is 60 years old. The dwelling has a full unfinished basement, central air conditioning and a 240 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 four 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 December 2006 for a price of \$100,500. The appellant stated the property was sold by Vincent Benjamin through Cryer Realty, by agent Dave Cryer, and was advertised for sale for 30 days in the Multiple Listing Service, the local paper and a sign in the yard. In the appeal petition, the appellant also stated the parties to the transaction were not related.

For comparable sales, the appellant completed Section V of the appeal petition with information on four sales of properties located in the subject's subdivision of Reedswood. The comparables were within four blocks of the subject and described as a 1.5-story and three, one-story frame dwellings that ranged in age from 62 to 109 years old. The comparables range in size from 860 to 1,316 square feet of living area. Each comparable has a basement, one of which is finished, and each has a garage ranging in size from 280 to 480 square feet of building area. One of the comparables also has central air conditioning. The appellant also included copies of additional data for each of the comparables depicting marketing times from 16 to 116 days. The listing prices of the comparables ranged from \$35,500 to \$89,900. In the grid, the appellant reported the comparables sold between September 2009 and August 2010 for prices ranging from \$30,001 to \$55,000.

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

In a cover letter, the appellant also wrote, "values have fallen 50% in Joliet since 2006 per comparables." Based on this evidence, the appellant requested the subject's total assessment be reduced to \$11,666 or a market value of approximately \$35,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$37,663 was disclosed. The subject's assessment reflects an estimated market value of approximately \$113,306, utilizing the 2010 three-year median level of assessments for Will County of 33.24% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review presented descriptions and sales data in a grid analysis on five comparable properties located in Reedswood Acres along with applicable property record cards. The comparables consist of one-story frame dwellings that range in age from 55 to 85 years old. The dwellings range in size from 742 to 952 square feet of living area. Each dwelling has a full unfinished basement, central air conditioning and a garage ranging in size from 280 to 480 square feet of building area. One comparable also has a fireplace. These comparables sold between July 2008 and July 2009 for prices ranging from \$87,000 to \$154,900. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

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 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 does not support a reduction in the subject's assessment.

The initial contention by the appellant is that the subject's sale price in December 2006, nearly four years prior to the assessment date of January 1, 2010, should be deemed relevant and conclusive as to the subject's 'current' estimated market value. The Property Tax Appeal Board finds the sale price of the subject property is too distant in time to be conclusive as to the subject's estimated market value as of January 1, 2010. Therefore, no weight has been placed on this dated sale price.

Next, the appellant presented comparable sales to support the contention that the subject property is overvalued. The parties submitted a total of nine comparable sales in the subject's subdivision for the Board's consideration. The Board has given reduced weight to appellant's comparables #1, #3 and #4 due to differences in story height and/or dwelling size when compared to the subject. The Board finds appellant's comparable #2 and the comparables submitted by the board of review were most similar to the subject in size, design, exterior construction, location and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold between July 2008 and May 2010 for prices ranging from \$37,000 to \$154,900. Further examination of these six sales reveals only two sales under \$100,000 as shown by appellant comparable #2 and board of review comparable #3. The remaining four sales ranged from \$118,900 to \$154,900. The subject's assessment reflects a market value of approximately \$113,306, which is below the sales prices of four of the six most similar comparables on this record. In summary on this record of comparable sales, the Board finds the appellant did not demonstrate the subject property's assessment to be 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.

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.