



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

APPELLANT: Mike Canino
DOCKET NO.: 10-00757.001-R-1
PARCEL NO.: 23-16-19-302-002-0000

The parties of record before the Property Tax Appeal Board are Mike Canino, 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: \$18,496
IMPR.: \$79,356
TOTAL: \$97,852

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story brick exterior constructed single-family dwelling built in 1997. The dwelling contains approximately 3,508 square feet of living area¹ with a full finished walkout-style basement, central air conditioning, two fireplaces and an 888 square foot garage. The subject property is located in Crete, Crete Township, Will County.

The Property Tax Appeal Board takes notice that the subject property is an owner occupied residence that was the subject matter of an appeal the prior year under Docket No. 09-01077.001-R-1. (86 Ill.Admin.Code §1910.90(i)). In that appeal, the appellant asserted overvaluation of the subject property based on a recent purchase price and an appraisal. The board of review responded with comparable sales. In that 2009 appeal, the Property Tax Appeal Board reduced the subject's assessment to reflect the appraised value of \$295,000.

The appellant's 2010 assessment appeal again contends the market value of the subject property is not accurately reflected in its

¹ The subject's property record card in this appeal reflects a revision to the schematic drawing was made in March 2010 to ascertain the dwelling size.

assessed valuation. In support of this argument, the appellant completed Section IV of the Residential Appeal form concerning recent sale and provided three comparables with an argument regarding their estimated market values based on one sale and the respective assessments of the comparables.

The appellant reported the subject property was purchased in May 2009 for a price of \$291,500 from Wells Fargo Bank. The parties to the transaction were not related and a Realtor was involved in the transaction. The property was listed in the Multiple Listing Service for "over 1 year" prior to purchase.

In the Section V grid analysis, the appellant reported three comparable properties located within six blocks of the subject. The comparables were improved with two-story masonry dwellings that ranged in age from 15 to 20 years old. The homes range in size from 2,765 to 5,069 square feet of living area and two have full finished basements. Each features central air conditioning, one or two fireplaces and a garage ranging in size from 800 to 980 square feet of building area. Comparable #1 sold in December 2010 for \$230,000 or \$83.18 per square foot of living area including land. The other two comparables have not recently sold.²

Based on the foregoing evidence, the appellant requested a reduction in the subject's total assessment to \$117,655 which would reflect an estimated market value of approximately \$352,965.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment for the subject property of \$161,272 was disclosed. The subject's final assessment reflects a market value of approximately \$485,175 or \$138.31 per square foot of living area including land using the 2010 three-year median level of assessments for Will County of 33.24%.

In support of the subject's estimated market value based on its assessment, the board of review submitted a memorandum from the Crete Township Assessor's Office along with attachments. The assessor acknowledged the subject property was purchased in May 2009 for \$291,500, but noted "[t]his sale was a Special Warranty deed after a sheriff's sale. Therefore the sale is invalid." The assessor further notes that there was no notification of damage to the home to show that a reduction should be made. "If the appellant has receipts or photos of damage from when the home was purchased, we can take a look at them and see if a reduction needs to be made."

Next, the assessor analyzed the appellant's three suggested comparables based upon assessment equity since "[t]hese homes do not have recent sales." This data will not be further analyzed

² To present a comparable sales argument, the appellant should present documentation of "not fewer than three recent sales." (86 Ill.Admin.Code §1910.65(c)(4)).

in this decision since equity data is not responsive to the appellant's overvaluation contention.

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 this appeal.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, **shall** remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. [Emphasis added.]

Based on the foregoing provision of the Property Tax Code, the Property Tax Appeal Board finds that the prior year's decision should be carried forward to the subsequent year subject only to any equalization factor applied to that year's assessments. The record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to its May 2009 sale. Moreover, the Board takes notice that 2009 and 2010 are in the same general assessment period in Crete Township, Will County. (86 Ill.Admin.Code §1910.90(i)). Thus, based on this statutory language, the Board finds its 2009 assessment decision shall be carried forward to the subsequent assessment year of the same general assessment period plus annual application of equalization factors, if any.

For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision.

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: September 21, 2012

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.