



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

APPELLANT: Robyn M. Moore
DOCKET NO.: 10-04019.001-R-1
PARCEL NO.: 12-02-15-213-036-0000

The parties of record before the Property Tax Appeal Board are Robyn M. Moore, 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: \$7,500
IMPR.: \$15,535
TOTAL: \$23,035

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story condominium unit of frame construction containing 924 square feet of living area. The dwelling was constructed in 1972. Features of the unit include a concrete slab foundation and central air conditioning. The property is located in Bolingbrook, DuPage Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted limited information on a recent purchase of the subject and information on three comparable sales.

The appellant reported the subject unit was purchased in September 2009 for \$66,000 from the owner, Joe Criscione. The sale was not between related parties, however, the "advertisement" was via "word of mouth." The property was also reportedly sold in settlement of a contract for deed. No other documentation related to the sale transaction was submitted by the appellant.

In the Section V grid analysis, the appellant described three two-story dwellings of frame construction that ranged in size from 1,188 to 1,314 square feet of living area. The dwellings were constructed from 1972 to 1979. Each comparable is located

on the same street as the subject property. Features of the comparables include no basements and central air conditioning. These comparables sold from May to October 2010 for prices ranging from \$45,000 to \$56,000 or from \$37.87 to \$42.61 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$21,405 or a market value of approximately \$64,215.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$41,300 was disclosed. The subject's assessment reflects a market value of \$124,248 or \$134.47 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Will County of 33.24% as determined by the Illinois Department of Revenue.

The board of review in a letter asserted the subject is located in a neighborhood of 225 condominium units in a tract-built subdivision known as Pine Meadows. The subject unit is known as model "CMT 32Model." As to the recent sale, the board of review contends the sale is "invalid" as the subject property was not advertised for sale in a sufficiently described manner to indicate that it was reasonably exposed on the open market for any individual to purchase as the sale was merely due to "word of mouth." The board of review also contends that appellant's sales #1 and #3 each enjoy a garage which is not present on the subject property. Appellant's comparable #2 was sold after foreclosure and according to the board of review is "invalid." Moreover, these sales occurred after the assessment date at issue of January 1, 2010 and should thus not be considered.

The board of review presented Exhibit A consisting of the subdivision's sales ratio study and particularly cited to five sales of the same model dwelling as the subject. The five properties sold between January 2007 and October 2007 for prices ranging from \$121,500 to \$136,900.

Based on this evidence, 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 this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. 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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal

of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board has given reduced weight to the September 2009 sale price of the subject property because the record evidence fails to establish that the property was advertised and/or exposed on the open market for a reasonable period of time in which any interested person(s) could purchase the property. The appellant reported only that the property was sold by "word of mouth" and, while the parties to the transaction were not related, the facts necessary to establish that the transaction qualifies as an "arm's length" sale are missing from the record.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the five sales cited by the board of review because each sale occurred in 2007, a date most distant to the assessment date of January 1, 2010. On this record, the Board finds these dated sales are less probative of the subject's estimated market value as of the assessment date than sales presented by the appellant which are more proximate to the assessment date.

The Board finds the appellant's three comparable sales are most proximate in time and somewhat similar to the subject in location, size, style, exterior construction, features and age. Due to the similarities to the subject and due to the proximity in time, these comparables received the most weight in the Board's analysis. The comparables sold for prices ranging from \$45,000 to \$56,000 or from \$37.87 to \$42.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$124,248 or \$134.47 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Moreover, there are no recent sales on this record that support the subject's estimated market value as reflected by its assessment.

Based on this record the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is 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.

Donald 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: May 24, 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.