



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

APPELLANT: Kelly Johnson  
DOCKET NO.: 11-00192.001-R-1  
PARCEL NO.: 05-06-01-102-081-1001

The parties of record before the Property Tax Appeal Board are Kelly Johnson, 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:** \$13,913  
**IMPR.:** \$51,087  
**TOTAL:** \$65,000

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story condominium of frame construction containing 1,628 square feet of living area. The dwelling was constructed in 2004. Features of the home include a concrete slab foundation, central air conditioning, a fireplace and a two-car garage. The property is located in Joliet, Troy Township, Will County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 26, 2011 for a price of \$195,000. In this regard, the appellant completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related, the property was sold using a Realtor, and the property had been advertised on the open market with the Multiple Listing Service for 5 to 6 months. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the closing date and sale price.

In further support of the appeal based on market value, the appellant submitted a copy of an appraisal of the subject property which was prepared in connection with the purchase transaction. The appraisal also presents an estimated market value of the subject property as of August 8, 2011 of \$195,000.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$58,062 which would reflect a market value of approximately \$174,086, or an amount less than the recent purchase price. The appellant submitted no other market value evidence to indicate why the assessment should reflect a value less than the recent purchase price of the subject property and/or its appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$65,000 was disclosed. The subject's assessment reflects a market value of approximately \$195,000 at the statutory level of assessment of 33.33%.

The board of review submitted a letter from the Troy Township Assessor who acknowledged the purchase price of the subject property for \$195,000 and pointed out that the appellant signed a document with the township assessor's office to revise the 2011 assessment based on the recent sale of the subject property for a total assessment of \$65,000. A copy of the document was also presented which included the following statement:

The Troy Township Assessor's Office and the Homeowner having considered all the facts and evidence surrounding the complaint, have agreed that the fair and equitable assessed valuation of said parcel will be . . .

Based on this evidence, 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. The township assessor raised a question as to jurisdiction given that the appellant "signed [an] agreement of 'fair and equitable assessed valuation of said parcel.'" However, the Property Tax Appeal Board finds that the Will County Board of Review issued a Notice of Final Decision on Assessed Value by Board of Review dated January 18, 2012 stating, in pertinent part:

. . . you may appeal this decision to the Property Tax Appeal Board by filing a petition with the PROPERTY TAX APPEAL BOARD within 30 days after this notice is mailed to you or your agent, or is personally served upon you or your agent.

[Capitalization in original.] It is further noted this Notice from the board of review referenced, "Reason for Change - Recent Sale of Subject Property."

The Property Tax Appeal Board further finds a reduction in the subject's assessment is not warranted.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, 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 to do 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 (3<sup>rd</sup> 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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be the purchase of the subject property on August 26, 2011 for a price of \$195,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The Property Tax Appeal Board further finds the assessment of the subject property is reflective of this recent purchase price and therefore no reduction in the subject's assessment is 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

*K. L. Fern*

Member

*Tracy 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: January 24, 2014

*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.