



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

APPELLANT: Isabel Ortiz
DOCKET NO.: 11-00698.001-R-1
PARCEL NO.: 30-07-22-412-009-0000

The parties of record before the Property Tax Appeal Board are Isabel Ortiz, 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: \$12,350
IMPR.: \$14,650
TOTAL: \$27,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 21,780 square feet of land area is improved with a one-story single-family dwelling of masonry exterior construction that contains 1,488 square feet of living area. The dwelling was built in 1964. The dwelling has a full unfinished basement, central air conditioning, a fireplace and an attached 480 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 August 2009 for a price of \$75,000. The appellant stated the property was sold by Federal National Mortgage Association through Cryer Realty, by agent David Cryer, and was advertised for sale for 56 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 Settlement Statement reiterating the date and sale price of the subject. Also attached was a copy of the Multiple Listing Service data sheet depicting an original listing date of June 19, 2009 with an asking price of \$75,000. In the appeal petition, the appellant also asserted the parties to the transaction were not related. Additionally, the appellant reported the expenditure of \$5,000 in renovation costs before the subject property was occupied as of December 25, 2009.

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 Sugar Creek. The comparables were within three blocks of the subject and described as a two-story and three, one-story frame or frame and masonry dwellings that were either 50 or 53 years old. The comparables range in size from 1,800 to 2,184 square feet of living area. Each of the comparables has a basement, two of which are finished. Three of the comparables have central air conditioning and two comparables have one or two fireplaces. Each comparable has a garage ranging in size from 440 to 720 square feet of building area.

The appellant also included copies of additional data for each of the comparables depicting marketing times from 8 to 184 days. The listing prices of the comparables ranged from \$63,500 to \$159,900. In the grid, the appellant reported the comparables sold between September 2009 and October 2011 for prices ranging from \$60,000 to \$80,000 or from \$28.57 to \$58.15 per square foot of above-grade living area, including land.

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

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 applies to the appellant's comparable sales #1, #2 and #4 if the board of review had asserted that these sales were invalid/could not be considered due to being foreclosure and/or short sales. No such arguments were presented by the board of review.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$27,000 or a market value of approximately \$81,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$55,150 was disclosed. The subject's assessment reflects an estimated market value of approximately \$166,064, utilizing the 2011 three-year median level of assessments for Will County of 33.21% as determined by the Illinois Department of Revenue.

In response to the assessment appeal, the board of review submitted a grid analysis of four sales located in Sugar Creek subdivision along with applicable property record cards. The comparables are improved with one-story frame or masonry dwellings that range in age from 42 to 62 years old. The comparables range in size from 868 to 1,424 square feet of living area. Each of the comparables has a full unfinished basement and an attached garage ranging in size from 280 to 616 square feet of building area and comparable #4 has a second detached garage of 624 square feet. Three of the dwellings have central air conditioning and one has a fireplace. Comparable #3 also has a pole building and comparable #4 has an additional feature of a "covered deck & shed." These properties sold between June 2008 and February 2011 for prices ranging from \$118,000 to \$175,000.

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 August 2009 for a price of \$75,000 after having been listed on the market for a period of 56 days. The board of review did not specifically address the sale of the subject property, although the sale of the subject was listed in the grid analysis. To support the subject's assessment, the board of review provided sales of suggested comparables that sold in between 2008 and 2011. The Board has given less weight to the sale that occurred in 2008 as the date of sale is not close in time to the assessment date and thus, less likely to be indicative of the subject's market value. The Board has also given reduced weight to board of review comparable #1 as this dwelling is substantially smaller than the subject.

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). 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 Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The evidence reveals the subject property sold about sixteen months before the assessment date of January 1, 2011 for \$75,000 plus the renovation costs expended of \$5,000 before the property was occupied. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value. In contrast, the board of review provided two comparable sales in the subject's subdivision that

were similar in size and age to the subject which sold in September 2009 for \$184,900 and in February 2011 for \$143,000.

Given the case law related to the sale of a property being reflective of its market value, the Property Tax Appeal Board has given most weight to the subject's reported sale price along with the costs of renovation and finds the best evidence of the subject's fair market value in the record is the August 2009 sale for \$75,000 plus renovation costs. The subject's assessment reflects an estimated market value of approximately \$166,064 which is higher than its most recent sale price and higher than the two most similar comparable sales presented by the board of review. Therefore, a reduction in the subject's assessment commensurate with the appellant's request 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: June 20, 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.