



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

APPELLANT: Felix Lanier
DOCKET NO.: 11-00755.001-R-1
PARCEL NO.: 30-07-27-207-011-0000

The parties of record before the Property Tax Appeal Board are Felix Lanier, 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: \$14,400
IMPR.: \$18,933
TOTAL: \$33,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of approximately 44,000 square feet of land area is improved with a 1.5-story single-family dwelling of frame exterior construction that contains 2,477 square feet of living area. The dwelling was built in 1951 and features a concrete slab foundation, central air conditioning and a fireplace. 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 applicable Multiple Listing Service data sheets along with a citation to a relatively new 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 April 2010 for a price of \$95,000. The appellant stated the property was sold by Everette and Cathy Gunnlaugsson through Cryer Realty, by agent David Cryer, and was advertised for sale for 230 days in the Multiple Listing Service, the local paper and "signs." Also attached to the appeal was a copy of page one of the Settlement Statement reiterating the date and sale price of the subject. In the appeal petition, the appellant also stated the parties to the transaction were not related. The appellant also reported the expenditure of \$5,000 in renovation costs before the subject property was occupied in July 2010.

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 five blocks of the subject and described as a two-story and three, one-story frame or masonry and frame 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 full basement, two of which are finished. Three of the comparables have central air conditioning. Two comparables have one or two fireplaces and each of the comparables 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.

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

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$33,333 or a market value of approximately \$100,000.

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 appellant cited to these provisions contending that the Will County Board of Review refused to "consider" compulsory sales and foreclosures. The Property Tax Appeal Board has no jurisdiction to direct the Will County Board of Review regarding these statutory provisions.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$55,850 was disclosed. The subject's assessment reflects an estimated market value of approximately \$168,172, 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 three sales located in Sugar Creek subdivision along with applicable property record cards. The comparables are improved with a two-story and 2, one-story frame, masonry or frame and masonry dwellings that were built between 1951 and 1964. The comparables range in size from 1,336 to 2,408 square feet of living area. Two comparables have full or partial unfinished basements. Each dwelling has central air conditioning. Two comparable have a fireplace and two comparables have garages. The properties sold between September 2009 and September 2011 for prices ranging from \$145,000 to \$184,900.

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 April 2010 for a price of \$95,000 plus renovation costs of \$5,000 after having been listed on the market for a period of 230 days. The board of review did not

specifically address the sale of the subject property, but provided sales of suggested comparables that sold in both 2009 and 2011. The Board has given less weight to the comparable sales presented by the parties. Moreover, but for appellant's comparable sales #2 and #4 and board of review sale #2, the suggested comparables were all smaller than the subject dwelling. These three most similar comparables sold for prices of \$60,000, \$63,500 and \$165,000 with the high end sale being an outlier.

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 nine months before the assessment date of January 1, 2011 for \$95,000 plus the expenditure of \$5,000 in renovation costs before the property was occupied. Furthermore, the Board finds there is no evidence in the record that the sale price plus these renovation costs was not reflective of the subject's market value. In contrast, the board of review provided one comparable sale in the subject's subdivision that was similar in size and age to the subject and sold in January 2011 for \$165,000.

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 renovation costs and finds the best evidence of the

subject's fair market value in the record is the April 2010 sale for \$95,000 plus renovation costs. The subject's assessment reflects an estimated market value of approximately \$168,172 which is higher than its most recent sale price plus renovations. 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.