



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

APPELLANT: Tony Gangi
DOCKET NO.: 12-00475.001-R-1
PARCEL NO.: 21-14-02-210-004-0000

The parties of record before the Property Tax Appeal Board are Tony Gangi, the appellant, by attorney Jerri K. Bush in Chicago, 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: \$6,456
IMPR.: \$6,284
TOTAL: \$12,740**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a one-story dwelling of frame construction with 1,092 square feet of living area. The dwelling was constructed in 1956. Features of the home include a concrete slab foundation and a 320 square foot porch. The property is located in Park Forest, Monee Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales of one-story frame dwellings that were built in 1954. Each of the homes has 1,092 square feet of living area with a slab foundation. One comparable has a 320 square foot garage and one comparable has central air conditioning. These properties sold between June 2011 and May 2012 for prices ranging from \$19,900 to \$28,000 or from \$18.22 to \$25.64 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$8,210 which would reflect a market value of approximately \$24,630 or \$22.55 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,185. The subject's assessment reflects a market value of \$84,792 or \$77.65 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Will County of 33.24% as determined by the Illinois Department of Revenue.

As an initial matter, on page two of its submission and within the "cover letter" from Rhonda R. Novak, the Clerk of the Board of Review, the board of review proposed to reduce the total assessment. The proposal was an assessment of \$26,667 which would reflect a market value of \$80,225 at the three-year median level of assessment. However, the board of review did not complete the "Board of Review Notes on Appeal" in the line designated for disclosing a desire to propose a stipulation in this matter and furthermore failed to answer the yes/no question on those same "Notes" as to whether the board of review was willing to stipulate.

In further response to the appeal, the board of review submitted a statement from Sandra Heard, Monee Township Assessor, asserting that appellant's sales #1 and #2 were Special Warranty Deed or Bank Sales that "would not be used in determining market value for the subject property."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales, two of which sold in June and September 2010 and a third comparable that sold in November 2011. The third property sold for \$76,500 and that dwelling is similar in age and identical in size and exterior construction to the

subject, but also has a 462 square foot garage and central air conditioning which are not features of the subject dwelling.

As Exhibit 1, the township assessor included a spreadsheet of 13 "market sales" of one-story homes that were built between 1953 and 1957. The homes range in size from 1,092 to 1,488 square feet of living area. The spreadsheet did not depict other features or characteristics of the various properties. These sales occurred between March 2009 and July 2012 for prices ranging from \$25,000 to \$105,000, which reflects a median sale price of \$80,000.

In addition, the township assessor submitted data on three equity comparables to establish that the subject is equitably assessed. The Property Tax Appeal Board will not further address this equity data as it is not responsive to the appellant's overvaluation claim.

In closing the memorandum, the township assessor reported that the subject's assessment for 2013 had been reduced to \$24,100 which at the statutory level of assessment of 33.33% would reflect a market value of \$72,307.

Based on the foregoing evidence and argument, the board of review agreed to reduce the subject's assessment to \$26,667.

In written rebuttal, counsel for the appellant argued that the suggested assessment reduction was still far greater than what the subject's 2012 assessment should be based on the recent sales data.

As a new contention in rebuttal, counsel argued that the subject's 2009 purchase price is within three years of the 2012 assessment date and "may" be used as evidence of the market value of the subject property.

As to the contention by the board of review, that some of the comparable sales may be foreclosures, counsel argued that the Property Tax Code calls for consideration of such sale data if the properties "reflect the same property characteristics and condition of the subject property." Likewise, the appellant argued against consideration of Exhibit 1 reflecting only "market sales" and excluded compulsory sales thereby not reflecting true market conditions.

Conclusion of Law

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. 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 of review argued that two of the sales used by the appellant involved financial institutions, which was not refuted by the appellant. The Board finds that Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23. [Emphasis added.]

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales involving financial institutions in revising and correcting the assessment.

The parties submitted a total of six sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to board of review comparables #2 and #3 as these properties sold in June and September 2010. These dates are remote in time from the valuation date at issue of January 1, 2012. Likewise and because the appellant tried in

rebuttal to add "recent sale" as a basis of this appeal petition, the Board has given little weight to the January 2009 sale of the subject property for \$60,000. This sale is also dated, but more importantly "each appeal shall be limited to the grounds listed in the petition filed with the Property Tax Appeal Board." (35 ILCS 200/16-180) The only basis in Section 2d of the Residential Appeal petition was "comparable sales."

The Board finds the best evidence of market value in the record and in light of the provisions of the Property Tax Code are the appellant's comparable sales along with board of review comparable sale #1. These four comparables were similar in age and identical in size and exterior construction to the subject along with having several similar features. These comparables sold between June 2011 and May 2012 for prices ranging from \$19,900 to \$76,500 or from \$18.22 to \$70.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$84,792 or \$77.65 per square foot of living area, including land, which is above the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis.

Based on this evidence the Board finds 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.

Chairman

K. L. Ferr

Member

Mark Albino

Member

Jerry White

Member

Acting 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: August 21, 2015

A. Portel

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.