



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

APPELLANT: Gregory Shireman
DOCKET NO.: 11-06072.001-R-1
PARCEL NO.: 06-35-159-014

The parties of record before the Property Tax Appeal Board are Gregory Shireman, the appellant, by attorney Jerri K. Bush in Chicago, and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$12,008
IMPR.: \$18,929
TOTAL: \$30,937

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2011 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 956 square feet of living area. The dwelling was constructed in 1900. Features of the home include a partial basement and a 338 square foot garage. The property has an

8,712 square foot site and is located in South Elgin, Elgin Township, Kane 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 January 1, 2009 for a price of \$59,999. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,133. The subject's assessment reflects a market value of \$108,736 or \$113.74 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Kane County of 33.23% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted copy of a January 29, 2010 mortgage note entered into between the appellant and Townstone Financial, Inc. in the amount of \$93,100.

In rebuttal, appellant's counsel argued that Section 35 ILCS 200/16-185 of the Property Tax Code required a reduction in the subject's assessment based on a previous reduction issued by the Property Tax Appeal Board (Docket 10-02198.001-R-1) reducing the subject's 2010 assessment.

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 evidence depicts a reduction is warranted.

The Board finds the best evidence of market value in the record to be the January 29, 2010 mortgage note presented by the board of review in the amount of \$93,100. This note is proximate in time to the assessment date at issue. The appellant did not sufficiently refute this mortgage evidence with other documentary evidence as being representative of the subject's

value. The Board finds the value as depicted by the mortgage note is closer to the assessment date in question than the subject's purchase in 2009. The subject's assessment reflects a market value of \$108,736 or \$113.74 per square foot of living area, including land, which is above the market value as reflected by the mortgage note. The Board gave little weight to the subject's 2009 sale due to the fact the sale did not occur as proximate in time to the assessment date at issue as the mortgage.

The Board further finds 2010 and 2011 are not in the same general assessment cycle in Kane County and therefore the provisions of Section 16-185 of the Property Tax Code do not apply. Based on this record the Board finds the subject's assessment is not reflective of market value 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.

Ronald R. Crit

Chairman

K. L. Fern

Member

Richard A. Huff

Member

Harold H. Lewis

Member

J. R.

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: February 20, 2015

A. P. ...

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.