



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

APPELLANT: Mass Consumption LLC
DOCKET NO.: 12-01147.001-R-1
PARCEL NO.: 15-16-404-004

The parties of record before the Property Tax Appeal Board are Mass Consumption LLC, the appellant, by attorney Jerri K. Bush of 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: \$3,917
IMPR: \$5,253
TOTAL: \$9,170**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) contesting 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 655 square feet of living area. The dwelling was constructed in 1927. Features of the home include a partial basement. The property has a 6,630 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales. The comparables were described as being improved with dwellings that ranged in size from 682 to 784 square feet of living area and being constructed from 1927 to 1960. These properties sold from January 2012 to September 2012 for prices ranging from \$13,575 to \$50,000 or from \$19.90 to \$63.78 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$8,666.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$17,076. The subject's assessment reflects a market value of \$51,202 or \$78.17 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

In rebuttal the board of review provided a statement asserting that the appellant's comparable sales were either foreclosures or short sales.

In support of its contention of the correct assessment the board of review submitted information on one comparable sale selected by the township assessor that sold in October 2009 for a price of \$105,000 or \$136.72 per square foot of living area, including land. The board of review also submitted a grid analysis of the appellant's comparable sales #2 through #5. Additionally, the board of review submitted an equity analysis prepared by the township assessor using three comparables.

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 finds the appellant submitted information on five comparable sales. According to the board of review the appellant's comparables were either foreclosures or short sales.

Section 1-23 of the Property Tax Code (35 ILCS 200/1-23) defines a 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.

Furthermore, section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides:

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.

Therefore, the Property Tax Appeal Board will give consideration to these sales.

The appellant's comparables were relatively similar to the subject property and sold for prices ranging from \$13,575 to \$50,000 or from \$19.90 to \$63.78 per square foot of living area, including land. The subject's assessment reflects a market value of \$51,202 or \$78.17 per square foot of living area, including land, which is above the range established by the appellant's comparable sales. The Board gave little weight to the one sale submitted by the board of review because this property sold in October 2009, not as proximate in time to the assessment date at issue as were the sales provided by the appellant. The Board gave no weight to the equity analysis submitted by the board of review because that evidence did not address the appellant's overvaluation argument. 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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: January 23, 2015

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.