



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

APPELLANT: Mass Consumption LLC  
DOCKET NO.: 12-01162.001-R-1  
PARCEL NO.: 15-15-376-004

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:** \$2,401  
**IMPR.:** \$7,599  
**TOTAL:** \$10,000

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) 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 two-story dwelling of frame construction with 1,192 square feet of living area. The dwelling was constructed in 1914. Features of the home include a partial basement and an enclosed frame porch. The property has a 2,614 square foot site and is located in Aurora, Aurora 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 sold at a Sherriff's Sale on March 31, 2011, for a price of \$15,194. The appellant also submitted a listing history disclosing the listing expired on May 2, 2011 with a price of \$35,000. Based on this evidence, the appellant requested the subject's assessment be reduced to \$5,039.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,999. The subject's assessment reflects a market value of \$41,976 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 support of its contention of the correct assessment the board of review submitted an equity analysis prepared by the township assessor using three comparables. The record also had a statement indicating the property sold at a Sherriff's Sale.

#### **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 appellant provided evidence that the subject property sold at a Sherriff's Sale pursuant to a judgment entered by the circuit court on September 1, 2010.

Section 9-145(a) of the Property Tax Code (35 ILCS 200/9-45(a)) provides that:

Each tract or lot of property shall be valued at 33 1/3% of its fair cash value.

Fair cash value is defined in Section 1-50 the Property Tax Code (35 ILCS 200/1-50) as:

The 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.

The Board gives some but less weight to the subject's sale due to the fact the sale was a court ordered transaction and the property sold at auction. The Board finds due to the fact the property was sold in such a manner demonstrates the sale was not a transaction between a willing seller and a willing buyer and the purchase price may not be reflective of fair cash value.

The Board further finds the appellant submitted a Listing and History Report demonstrating the subject property was listed for sale on February 24, 2011 through May 2, 2011 for a price of \$35,000. The Board finds the listing sets the upper limit of value, which is below the market value reflected by the subject's assessment. The Board further finds the board of review submitted no market data to support the subject's assessment or to address the appellant's market value argument.

The Board finds the board of review equity analysis did not address the appellant's overvaluation argument.

In conclusion, after considering both the evidence of the subject's sale and the subject's listing history, 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.



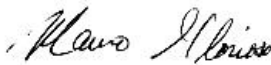
Chairman



Member



Member



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: January 23, 2015



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.