



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

APPELLANT: Martin & Trejo Flores-Ferreyra  
DOCKET NO.: 12-01165.001-R-1  
PARCEL NO.: 06-12-333-002

The parties of record before the Property Tax Appeal Board are Martin & Trejo Flores-Ferreyra, the appellants, 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 no change 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:** \$11,244  
**IMPR.:** \$32,660  
**TOTAL:** \$43,904

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 1,420 square feet of living area. The dwelling was constructed in approximately 1890. Features of the home include a basement that is partially finished, one fireplace and a detached garage with 867 square feet of building area. The property has an 8,591 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased in June 2010 for a price of \$59,000. The appellants also submitted a comparative market analysis using six sales of two-story dwellings that ranged in size from 1,207 to 1,656 square feet of living area. Five of the comparables were described as being constructed from 1883 to 1900. The sales occurred from May 2011 to June 2012 for prices ranging from \$24,000 to \$42,899 or from \$18.78 to \$28.38 per square foot of living area, including land. Based on this evidence, the appellants requested the subject's assessment be reduced to \$12,476.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,904. The subject's assessment reflects a market value of \$131,646 or \$92.71 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 submitted a statement from the township assessor asserting that the appellants' comparable sales were all Bank REO sales or properties sold by the Department of Housing and Urban Development (HUD).

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor. The comparables were improved with two-story dwellings that ranged in size from 1,200 to 1,690 square feet of living area and were constructed from 1878 to 1900. The sales occurred from March 2010 to December 2011 for prices ranging from \$130,400 to \$175,000 or from \$92.86 to \$127.92 per square foot of living area, including land. The assessor noted the subject has a large detached heated garage unlike the comparables.

In rebuttal the appellants' attorney asserted that compulsory sales must be considered by the board of review in reviewing and correcting assessments as provided by section 16-55(b) of the Property Tax Code. (35 ILCS 200/16-55(b)).

#### **Conclusion of Law**

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellants presented evidence disclosing the subject property was purchased in June 2010 for a price of \$59,000. The appellants completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for approximately 135 days. In further support of the transaction the appellants submitted a copy of the settlement statement and a copy of the MLS listing indicating the property was originally listed for a price of \$59,900. The Board also finds the listing sheet indicates the property was in pre-foreclosure and was sold "as-is."

The appellants also provided information on six comparable sales that were relatively similar to the subject in style, age and size. These properties sold from May 2011 to June 2012 for prices ranging from \$24,000 to \$42,899 of from \$18.78 to \$28.38 per square foot of living area, including land. According to the statement made by the township assessor submitted by the board of review these comparables were Bank REO sales or properties sold by HUD. 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 some consideration to these sales.

In support of the assessment the board of review provided five comparable sales that sold from March 2010 to December 2011 for prices ranging from \$130,400 to \$175,000 or from \$92.86 to \$127.92 per square foot of living area, including land

Less weight was given the sale of the subject property due to the fact the transaction occurred in June 2010, approximately 18 months prior to the assessment date at issue. Less weight was given the sales provided by the appellants due to the fact there was limited descriptions with respect to the features these dwellings had relative to the subject dwelling. The Board finds the best evidence of value were the sales provided by the board of review giving most weight to sales #1 through #3, which sold from November 2010 to December 2011 for prices ranging from \$130,400 to \$175,000 or from \$99.47 to \$121.19 per square foot of living area, including land. The comparable that sold most proximate in time to the assessment date was board of review sale #1, which sold in December 2011 for a price of \$139,000 or \$104.59 per square foot of living area, including land. The subject's assessment reflects a market value of \$131,646 or \$92.71 per square foot of living area, land included, which is within the range established by these comparables. Based on this record the Board finds a reduction in the subject's assessment is not 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.



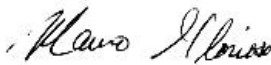
Chairman



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.