



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

APPELLANT: Dan Lam
DOCKET NO.: 12-01190.001-R-1
PARCEL NO.: 06-14-403-018

The parties of record before the Property Tax Appeal Board are Dan Lam, the appellant, by attorney Dennis M. Nolan of the Law Office of Dennis M. Nolan, P.C. in Bartlett; 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: \$ 7,678
IMPR.: \$ 35,400
TOTAL: \$ 43,078

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) disputing 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 part two-story and part one-story single family dwelling of frame construction with 1,568 square feet of living area. The dwelling was constructed in 1890. Features of the property include a full basement and a detached garage with 276 square feet of building area. The

property has a 5,808 square foot site and is located in 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 October 30, 2009 for a price of \$57,000. Based on this evidence, the appellant requested the subject's assessment be reduced to \$18,998.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,078. The subject's assessment reflects a market value of \$129,169 or \$82.38 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 Elgin Township Assessor asserting the subject property was purchased as a foreclosure sale in 2009.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales identified by the township assessor. The comparables were improved with a part two-story and part one-story dwelling and three two-story dwellings that ranged in size from 1,216 to 1,632 square feet of living area and were constructed from 1900 to 1950. The sales occurred from May 2010 to December 2011 for prices ranging from \$120,000 to \$141,800 or from \$81.66 to \$98.68 per square foot of living area, including land.

Due to the fact the subject is a rental property; the assessor also estimated the subject's market value using a gross income of \$15,000 and a gross rent multiplier of 9, asserted to be extracted from the market, to arrive at an estimated value of \$135,000.

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 did not meet this

burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value in the record to be the four comparable sales submitted by the board of review. These comparables were relatively similar to the subject in style, construction, features, age and land area. These properties also sold relatively proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$120,000 to \$141,800 or from \$81.66 to \$98.68 per square foot of living area, including land. The subject's assessment reflects a market value of \$129,169 or \$82.38 per square foot of living area, including land, which is within the range established by the comparable sales submitted by the board of review. The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue and it was not shown by the appellant to have the elements of an arm's length transaction. 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.

Ronald R. Crit

Chairman

K. L. F...

Member

Richard A. ...

Member

Mario ...

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.