



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

APPELLANT: Michael Mahalas
DOCKET NO.: 12-01217.001-R-1
PARCEL NO.: 15-17-302-003

The parties of record before the Property Tax Appeal Board are Michael Mahalas, 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 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: \$5,630
IMPR.: \$23,551
TOTAL: \$29,181

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 one-story dwelling of frame construction with 1,462 square feet of living area. The dwelling was constructed in 1965. Features of the home include a full basement and an attached garage with 440 square feet of building area. The property has a 9,583 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 purchased on April 11, 2012 for a price of \$87,500. Based on this evidence, the appellant requested the subject's assessment be reduced to \$29,164.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,663. The subject's assessment reflects a market value of \$124,927 or \$85.45 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 asserting the subject property was purchased as a bank sale.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales identified by the township assessor. The comparables were improved with one-story dwellings of frame construction that ranged in size from 1,192 to 1,326 square feet of living area and were constructed from 1970 to 1974. The comparables sold from April 2009 to November 2009 for prices ranging from \$140,500 to \$191,500 or from \$117.87 to \$144.42 per square foot of living area, including land.

The board of review also 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 best evidence of market value as of the assessment date at issue to be the purchase of the subject property in April 2012 for a price of \$87,500. The appellant provided evidence demonstrating the sale had some elements of an

arm's length transaction. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the property was sold using a Realtor. The appellant also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the property had been advertised for sale but the seller was a financial institution. Although the appellant did not disclose how the property was advertised or how long the property was on the open market, the Board finds the sale of the subject property is a better indicator of market value than the three sales submitted by the board of review that occurred in 2009, not as proximate in time to the assessment date at issue as the sale of the subject property.

The Board finds the purchase price is below the market value reflected by the subject's assessment. Based on this record the Board finds the subject property had a market value of \$87,500 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for Kane County of 33.35% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

No consideration was given to the board of review equity analysis as this evidence did not address the appellant's overvaluation argument.

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.



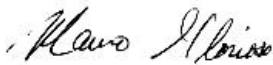
Chairman



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.