



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

APPELLANT: Pedro Estrada & Margarito Arce  
DOCKET NO.: 12-01233.001-R-1  
PARCEL NO.: 06-24-157-003

The parties of record before the Property Tax Appeal Board are Pedro Estrada and Margarito Arce, the appellants, by attorney Jerri K. Bush in 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:** \$7,752  
**IMPR.:** \$24,245  
**TOTAL:** \$31,997

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 one-story with finished attic single family dwelling of frame construction with 976 square feet of living area. The dwelling was constructed in 1945. Features of the property include a full basement and a detached garage with 400 square feet of building area. The property 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 October 2010 for a price of \$80,000. The appellants also submitted a comparative market analysis containing six comparables that ranged in size from 880 to 1,080 square feet of living area. The comparables were constructed from 1894 to 1938. The sales occurred from April 2011 to May 2012 for prices ranging from \$23,500 to \$50,000 or from \$26.70 to \$50.27 per square foot of living area, including land. Based on this evidence, the appellants requested the subject's assessment be reduced to \$14,304.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,997. The subject's assessment reflects a market value of \$95,943 or \$98.30 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 the subject was not listed in the MLS. The assessor also stated the appellants' comparables included properties that sold in 2012 or were foreclosures sales and short sales. The board of review submitted a grid analysis of the appellants' comparable sales. The grid analysis indicated that each comparable was a short sale or a foreclosure and comparables #2 through #4 sold "As Is."

In support of its contention of the correct assessment the board of review submitted information on four comparable sales identified by the township assessor that were improved with 1-story or 1.5-story dwellings that ranged in size from 841 to 1,188 square feet of living area. These properties were constructed from 1927 to 1951. The sales occurred from May 2010 to April 2011 for prices ranging from \$110,000 to \$140,000 or from \$96.15 to \$153.98 per square foot of living area, including land.

The appellants' counsel submitted rebuttal comments asserting the subject's 2010 sale was within the three year sales ratio period. Counsel further asserted that if some of the appellant's comparables are foreclosures or short sales, section 16-55(b) of the Property Tax Code provides that the board of review must included compulsory sales in reviewing and correcting assessments.

**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 best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were relatively similar to the subject in style, construction, features, age and land area. The comparables sold for prices ranging from \$110,000 to \$140,000 or from \$96.15 to \$153.98 per square foot of living area, including land. The board of review comparable most similar to the subject property that sold most proximate in time to the assessment date at issue was board of review comparable #2 that sold in April 2011 for a price of \$140,000 or \$117.85 per square foot of living area, including land. The subject's assessment reflects a market value of \$95,943 or \$98.30 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. The Board gave less weight to the subject's sale due to the fact there was some issue as to whether or not the property was listed on the open market. The Board gave less weight to the comparable sales contained in the appellants' comparative market analysis due to fact there were condition issues with some of the comparables based on the fact four sold "As Is" and each sale was either a short sale or the result of a foreclosure. 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.



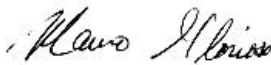
Chairman



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: February 20, 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.