



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

APPELLANT: Patrick Woodring
DOCKET NO.: 12-01246.001-R-1
PARCEL NO.: 06-13-352-065

The parties of record before the Property Tax Appeal Board are Patrick Woodring, the appellant by attorney Brian P. Liston of the Law Offices of Liston & Tsantilis, P.C. in 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: \$14,530
IMPR.: \$25,470
TOTAL: \$40,000

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 three-story townhouse of brick exterior construction with 1,875 square feet of living area. The dwelling was constructed in 2005. Features of the property include an attached garage with 375 square feet of building area. The property 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 September 7, 2012 for a price of \$99,000. The appellant also submitted information on five comparable sales that sold from January 2011 to November 2011 for prices ranging from \$116,000 to \$131,245 or from \$61.86 to \$70.00 per square foot of living area, including land. Based on this evidence the appellant requested the subject's assessment be reduced to \$32,997.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,638. The subject's assessment reflects a market value of \$160,833 or \$85.78 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.

The board of review submitted a statement from the Elgin Township Assessor asserting the subject property was bank owned and sold in as-in condition within 10 days. The assessor further stated the subject property sold without cabinets, countertops and appliances. The assessor also commented that sale #1 was an investment property and the Multiple Listing Service (MLS) sheet stated the "investor wants to move property"; sale #2 was a relocation short sale; sale #3 was a foreclosure that sold in as-in condition; sale #4 was a short sale; and sale #5 was a short sale that needed "TLC" according to the MLS sheet.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the assessor. The comparables were improved with three-story townhomes of brick construction that had either 1,900 to 1,975 square feet of living area. The comparables were constructed in 2005 and 2006. The sales occurred from March 2010 to November 1, 2011 for prices ranging from \$175,000 to \$235,000 or from \$88.61 to \$118.99 per square foot of living area, including land.

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 appellant submitted evidence that the subject property sold in September 2012 for a price of \$99,000. The appellant provided minimal information with respect to the circumstances surrounding the sale and no information about the condition of the dwelling at the time of sale and no information about the condition of the property as of January 1, 2012. The board of review provided information that the subject property was bank owned and at the time of sale the property was without cabinets, countertops and appliances. Nevertheless, the sale price is below the market value reflected by the subject's assessment. The Board will give this evidence some weight.

The record also contains information on 10 sales submitted by the parties. Information provided by the board of review indicated some of these sales were the result of foreclosures or short sales. 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 finds it appropriate to give consideration to these sales.

The Board gave little weight to board of review sales #1 through #3 due to the fact the sales did not occur proximate in time to the assessment date at issue. The seven remaining sales occurred from January 2011 to November 2011 for prices ranging from \$116,000 to \$185,000 or from \$61.86 to \$93.67 per square foot of living area, including land. The subject's assessment reflects a market value of \$160,833 or \$85.78 per square foot of living area, including land. The subject's assessment reflects a market value above five of the best comparable sales submitted by the parties. Considering the condition of the subject property at the time of sale and the best comparable sales provided by the parties, giving more weight to the appellant's comparables because the record indicates they were most similar to the subject in condition, 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.

Ronald R. Cuit

Chairman

K. L. F...

Member

Richard A. ...

Member

Mark ...

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: February 20, 2015

A. ...

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.