



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

APPELLANT: George Dawson
DOCKET NO.: 12-01250.001-R-1
PARCEL NO.: 06-22-201-009

The parties of record before the Property Tax Appeal Board are George Dawson, the appellant, 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: \$8,577
IMPR.: \$21,438
TOTAL: \$30,015

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 1.5-story single family dwelling of frame construction with approximately 1,350 square feet of living area. The dwelling was constructed in 1951. Features of the home include a full basement that is partially finished, central air conditioning, an enclosed porch and a two-car garage with 528 square feet of building area. The property

has a 6,825 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$90,000 as of December 5, 2011. In estimating the market value the appraiser developed the cost approach arriving at an estimated value of \$90,532. In developing the sales comparison approach the appraiser used six sales and one listing. The comparables included two ranch style dwellings and five 1.5-story dwellings that ranged in size from 1,196 to 1,496 square feet of living area and in age from 48 to 70 years old. Comparables #1 through #6 sold from July 2011 to November 2011 for prices ranging from \$77,000 to \$112,000 or from \$51.47 to \$86.96 per square foot of living area, including land. Comparable #7, the active listing, had a price of \$90,000 or \$71.77 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$30,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,329. The subject's assessment reflects a market value of \$129,922 or \$96.24 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 that the appraisal comparables consisted of foreclosure sales, an estate sale and an active listing. The board of review submitted a grid analysis of the comparable sales contained in the appellant's appraisal identifying sales #1, #2, #4 and #5 as foreclosure sales that had been on the market from 9 to 658 days. Comparable #3 was identified as an estate sale that had been on the market 7 days.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two 1-story with finished attic dwellings, a 1.5-story dwelling and a part 1-story and part 1.5-story dwelling that ranged in size from 1,237 to 1,369 square feet of living area. The comparables sold from May 2010 to August 2011 for prices ranging from \$128,000 to \$163,000 or from \$104.12 to \$119.07 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 best evidence of market value to be the appraisal submitted by the appellant. In estimating the market value of the subject property the appraiser developed both the cost approach to value and the sales comparison approach to value. Additionally, adjustments were made to the comparable sales to account for differences from the subject property.

The Property Tax Appeal Board recognizes that the board of review submission made an issue of the fact that four of the sales contained in the appraisal were foreclosures. 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.

In support of the assessment, the board of review submitted four comparable sales. The Property Tax Appeal Board gave little weight to comparable sales #1, #2 and #4 due to the fact these properties sold in May 2010 and June 2010, more than 18 months prior to the assessment date at issue. These sales did not occur as proximate in time to the assessment date at issue as did the sales contained in the appellant's appraisal. The remaining sale provided by the board of review was similar to the subject but insufficient to overcome the appraisal submitted by the appellant.

Based on this record the Board finds the subject property had a market value of \$90,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for Kane County of 33.35% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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.