



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

APPELLANT: Gustavo Yanez  
DOCKET NO.: 12-01264.001-R-1  
PARCEL NO.: 15-21-453-003

The parties of record before the Property Tax Appeal Board are Gustavo Yanez, the appellant, 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 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:** \$1,464  
**IMPR.:** \$14,936  
**TOTAL:** \$16,400

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 part two-story and part one-story single family dwelling of frame construction with 1,494 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full basement. The property has a 7,876 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales. The comparables were described as being improved with two-story dwellings that ranged in size from 1,304 to 1,590 square feet of living area and were constructed from 1900 to 1926. The comparables sold from January 2011 to December 2011 for prices ranging from \$28,000 to \$46,500 or from \$18.12 to \$33.21 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$13,132.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,796. The subject's assessment reflects a market value of \$68,354 or \$45.75 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 support of its contention of the correct assessment the board of review submitted a copy of the subject's property record card and an equity analysis prepared by the township assessor using three comparables. The board of review also submitted a grid analysis of the appellant's comparable sales that indicated comparable #4 was a 1.5-story dwelling and comparable #5 sold in September 2012 for a price of \$113,500 or \$82.73 per square foot of living area.

#### 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 appellant's comparable sales. These comparables sold for prices ranging from \$18.12 to \$33.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$45.75 per square foot of living area, including land, which is above the range established by the appellant's comparable sales. The Board gave no weight to the assessment

equity analysis submitted by the board of review because this evidence does not address the appellant's overvaluation argument. The Board also finds the fact that appellant's comparable #5 sold again in September 2012 for a price of \$113,500 or \$82.73 does not refute the fact the remaining sales indicate the subject is overvalued. Based on this evidence 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.



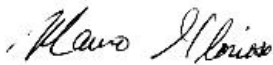
Chairman



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.