



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

APPELLANT: Liborio & Antonia Carrillo
DOCKET NO.: 12-01267.001-R-1
PARCEL NO.: 15-26-302-003

The parties of record before the Property Tax Appeal Board are Liborio and Antonia Carrillo, 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 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: \$2,206
IMPR.: \$12,294
TOTAL: \$14,500

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 dwelling of frame construction with 916 square feet of living area. The dwelling was constructed in 1900. Features of the home include a partial basement. The property has a 6,380 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on six comparable sales. The comparables were improved with one-story dwellings that ranged in size from 836 to 968 square feet of living area and were constructed from 1900 to 1927. The sales occurred from March 2011 to April 2012 for prices ranging from \$35,000 to \$45,000 or from \$39.87 to \$47.77 per square foot of living area, including land. The appellants requested the subject's assessment be reduced to \$13,471.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$21,052. The subject's assessment reflects a market value of \$63,124 or \$68.91 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 that appellants' sales #1 and #5 were bank sales and that sale #5 resold in September 2012 for a price of \$95,500. The statement also provided that appellants' sale #2 was a 1990 sale and was an installment contract. Appellants' sales #3 and #4 were described as being sold by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association (Fannie Mae).

In support of its contention of the correct assessment the board of review submitted information on three comparable sales identified a by the assessor that were improved with two 1-story dwellings and a 1.5-story dwelling that ranged in size from 850 to 1,643 square feet of living area. The dwellings were constructed in 1929 and 1955. The sales occurred from August 2009 to August 2011 for prices ranging from \$75,000 to \$82,000 or from \$45.65 to \$94.12 per square foot of living area, including land.

The board of review also submitted an assessment equity analysis prepared by the assessor using three comparables.

In rebuttal the appellants' counsel asserted the appeal is not based equity, therefore, the assessor's equity comparables should be given little to no weight. Counsel also commented that each of the comparable sales submitted by the board of review has a garage; sale #3 occurred in 2009 and has 727 more square feet than the subject; and sale #2 has 134 more square feet than the subject and was built 1955.

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 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 appellants' comparable sales with the exception of sale #2, which may have been the result of an installment contract entered in 1990. According to the board of review comparables #1, #3, #4 and #5 were either bank sales or sales by Fannie Mae. 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 will give consideration to these sales.

The remaining sales provided by the appellants sold during 2012 for prices ranging from \$35,000 to \$45,000 or from \$41.87 to \$47.77 per square foot of living area, including land. The subject's assessment reflects a market value of \$63,124 or

\$68.91 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. The Board gave little weight to board of review sales #2 and #3 due to such factors as date of sale, age and/or size. The one remaining sale submitted by the board of review did not overcome the five sales provided by the appellants. The Board gave no weight to the equity analysis presented by the board of review because it did not address the appellants' overvaluation argument. 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.

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.