



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

APPELLANT: Steve Taylor
DOCKET NO.: 12-01281.001-R-1
PARCEL NO.: 06-03-329-016

The parties of record before the Property Tax Appeal Board are Steve Taylor, 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 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: \$14,517
IMPR.: \$32,246
TOTAL: \$46,763

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 split-level and part one-story dwelling of frame construction with 1,608 square feet of living area. The dwelling was constructed in 1971. Features of the home include a finished lower level and a 567 square foot attached garage. The property 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 information on three comparable sales. The comparables ranged in size from 1,960 to 2,245 square feet of living area and were constructed from 1960 to 1978. The sales occurred from October 2011 to January 2012 for prices ranging from \$115,000 to \$132,000 or from \$58.67 to \$59.48 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$31,621.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,763. The subject's assessment reflects a market value of \$140,219 or \$87.20 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 appellant's comparable #1 sold "as-is" and the multiple listing service (MLS) sheet stated the property needed heavy updating and TLC. The assessor also indicated appellant's comparable #2 was located in Dundee Township. The assessor further stated that appellant's comparable #3 was a 2012 foreclosure that had been exposed to the market since 2007. This comparable was described as being purchased in "as-is condition" for cash with seller incentives. The board of review submitted a grid analysis that included information on appellant's comparables #1 and #3.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales identified by the assessor. The comparables were similar to the subject in style and ranged in size from 1,666 to 2,224 square feet of living area and were constructed from 1968 to 1991. The sales occurred from January 2010 to October 2011 for prices ranging from \$155,000 to \$215,000 or from \$86.84 to \$112.85 per square foot of living area, including land.

In rebuttal the appellant's counsel asserted that section 16-55(b) of the Property Tax Code (35 ILCS 200/16-55(b)) provides that the board of review must include compulsory sales in reviewing and correcting assessments if the compulsory sales reflect the same property characteristics and condition as the subject property. The appellant's counsel also provided evidence comparing the location of various comparables relative to the subject property.

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 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 to be the board of review comparable sales. These comparables sold from January 2010 to October 2011 for prices ranging from \$155,000 to \$215,000 or from \$86.84 to \$112.85 per square foot of living area, including land. The subject's assessment reflects a market value of \$140,219 or \$87.20 per square foot of living area, including land, which is at the low end of the range established by the best comparable sales in this record. Less weight was given appellant's comparables #1 and #3 due to condition issues. Less weight was given to appellant's comparable #2 due to the limited descriptive data on this property. Based on this evidence 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.

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.