



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

APPELLANT: Christine, Rebecca & Antonio Cadiz
DOCKET NO.: 12-01346.001-R-1
PARCEL NO.: 06-35-328-002

The parties of record before the Property Tax Appeal Board are Christine, Rebecca & Antonio Cadiz, 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: \$9,797
IMPR.: \$8,546
TOTAL: \$18,343**

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 1,092 square feet of living area. The dwelling was constructed in 1930. Features of the home include a full unfinished basement and central air conditioning. The property has a 9,240 square foot site and is located in South Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on May 31, 2011 for a price of \$55,000. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,492. The subject's assessment reflects a market value of \$124,414 or \$113.93 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 memorandum asserting that the subject was sold as a short sale which had many updates and was in move-in condition. Additionally, the memorandum asserted the property is located near a city park and backs to an open area.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales that occurred between October 2009 and July 2011. Except for comparable #2, the properties were newer in age when compared to the subject dwelling. Each of the comparables were superior to the subject by having a garage and three comparables have finished basements as compared to the subject's unfinished basement. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants contended that the sale price of the subject property when an arm's length transaction is synonymous with fair cash value as determined by case law applying the provisions of the Property Tax Code.

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 has given no weight to board of review comparables #1 through #3 as these sales occurred in 2009 and 2010, dates far more remote in time to the valuation date at issue of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value. In addition, two of these comparables were substantially newer than the subject dwelling and each comparable has a garage which the subject does not have. The Board also gave little weight to board of review comparable #4 as this dwelling is substantially newer than the subject property and has both a garage and finished basement which the subject property does not have.

On this record, the Board finds the best evidence of market value to be the purchase of the subject property in May, 2011 for a price of \$55,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and the Listing & Property History Report depicted that the property had been on the market from May 2010 until it sold in May 2011. Moreover, the original asking price of \$99,900 is less than the subject's estimated market value based on its assessment and the final asking price reportedly was \$48,000 with the property having sold for \$55,000 which further indicates some competitiveness in the transaction. In further support of the transaction the appellants submitted a copy of the Settlement Statement which depicted the payment of a brokers' fee.

The Property Tax Appeal Board finds the purchase price of \$55,000 is below the market value reflected by the assessment of \$124,414. The Board further finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

Based on this record the Board finds the subject property had a market value of \$55,000 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for Kane County of 33.35% 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.

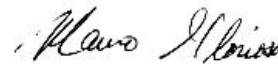
Chairman



Member



Member



Member



Acting 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: June 26, 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.