



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

APPELLANT: Carol Judith Pace  
DOCKET NO.: 12-01418.001-R-1  
PARCEL NO.: 06-12-183-009

The parties of record before the Property Tax Appeal Board are Carol Judith Pace, 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:** \$10,493  
**IMPR.:** \$33,168  
**TOTAL:** \$43,661

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 one-story and part two-story dwelling of frame construction with 1,382 square feet of living area. The dwelling was constructed in 1903. Features of the home include a full unfinished basement, central air conditioning and a detached 720 square foot garage. The

property has an 8,712 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 information regarding the recent purchase of the subject property along with limited information on six comparable sales that occurred between March 2011 and May 2012.

In Section IV - Recent Sale Data, the appellant reported the subject property was purchased on February 1, 2010 for a price of \$68,550. The property was sold by HUD, the parties to the transaction were not related, the property was sold by a Realtor and the property was listed in the Multiple Listing Service. As depicted in the Listing & Property History Report, the property was initially listed on the market in September 2009 for \$128,000 and had two price reductions resulting in an asking price of \$102,400 prior to the sale of the subject to the appellant. A copy of the Multiple Listing Service data sheet indicated the property was sold "as-is" and the property had evidence of "lead based paint, possible mold, repair porch boards, walls and ceilings, replace floor coverings."

Based on this market value evidence, the appellant requested a total assessment of \$20,159 which would reflect a market value of approximately \$60,477.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$43,661. The subject's assessment reflects a market value of \$130,918 or \$94.73 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 contending that the appellant's comparable sales are REO/Short sales and the sale of the subject was a foreclosure.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales that occurred between November 2010 and May 2012. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant acknowledged that some of the comparable sales may be foreclosures or short sales;

however, in light of provisions of the Property Tax Code, compulsory sales are to be considered by both the board of review and by the Property Tax Appeal Board in revising and correcting assessments. (Citing 35 ILCS 200/16-55(b) & 16-183) Moreover, counsel argued that the subject's 2010 purchase occurred within three years of the assessment date which is a time period considered by the assessing officials in developing a three-year sales ratio study.

Counsel also contended that the board of review comparables were each three-bedroom dwellings whereas the subject was a two-bedroom home. Board of review comparable #3 also differs from the subject in design.

### 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 Property Tax Appeal Board has given reduced weight to the February 2010 purchase price of the subject property and to board of review comparable #3, as these sales were more remote in time from the valuation date of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board also gave little weight to appellant's comparable sales #1, #2, #3, #4 and #5 due to differences in age, design, basement finish and/or garage amenity when compared to the subject property.<sup>1</sup>

The Board finds the best evidence of market value to be appellant's comparable sale #6 and board of review comparable sales #1 and #2. These most similar comparables sold for prices

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<sup>1</sup> It is noted that the details of the appellant's comparable sales were drawn from the analysis submitted by the board of review. The appellant's submission would have been given very little weight as the information lacked any details of age, design and/or features, all of which were supplied by the board of review for purposes of analysis.

ranging from \$36 to \$119 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$95 per square foot of living area, including land, rounded, which is within the range established by the best comparable sales in this record. After considering these most similar comparable sales, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not warranted.

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.

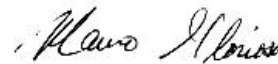
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Chairman



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Member



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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



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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.