



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

APPELLANT: Liborio & Antonia Carrillo
DOCKET NO.: 12-01421.001-R-1
PARCEL NO.: 15-34-151-039

The parties of record before the Property Tax Appeal Board are Liborio & 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: \$4,871
IMPR.: \$9,570
TOTAL: \$14,441

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 1.5-story single-family dwelling of frame construction with 1,296 square feet of living area. The dwelling was constructed in 1929. Features of the home include a full basement and a detached 672 square foot garage. The property is located in Aurora, Aurora 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 December 12, 2011 for a price of \$43,300. 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 \$19,998. The subject's assessment reflects a market value of \$59,964 or \$46.27 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 copy of the subject's PTAX-203 Illinois Real Estate Transfer Declaration depicting that the subject property was advertised prior to its sale although the seller/buyer was a financial institution or government agency.

The board of review also submitted a grid analysis of three equity comparables. The Property Tax Appeal Board finds this equity data is not responsive to the appellants' overvaluation argument and thus will not further discuss this evidence in the decision.

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 2010 for prices ranging from \$84,000 to \$144,890 or from \$94.19 to \$131.25 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 the four sales presented by the board of review as each sale occurred remote in time to the assessment date at issue of January 1, 2012 and therefore is less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be the purchase of the subject property in December, 2011 for a price of \$43,300. 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 as depicted in the Listing & Property History Report it was originally listed in July 2011 for \$48,000 prior to its sale to the appellants. The Multiple Listing Service data sheet related to the sale indicates the property was "waiting for its new owners to give it some TLC" and the property was being sold "as is." In further support of the transaction the appellants submitted a copy of the Settlement Statement reiterating the purchase price and date.

The Board finds the purchase price of \$43,300 is below the market value reflected by the assessment of \$59,964 and this estimated market value based on its assessment is also higher than the subject's original asking price of \$48,000. The Board finds the board of review did not present any 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. The PTAX-203 supports that the subject was advertised before being sold to the appellants.

Based on this record the Board finds the subject property had a market value of \$43,300 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

K. L. Ferr

Member

[Signature]

Member

Mark Albino

Member

Jerry White

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

[Signature]

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.