



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

APPELLANT: Grotto Properties LLC
DOCKET NO.: 12-01434.001-R-1
PARCEL NO.: 06-12-357-003

The parties of record before the Property Tax Appeal Board are Grotto Properties LLC, 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 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: \$7,144
IMPR.: \$26,856
TOTAL: \$34,000

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 is improved with a two-story dwelling of frame construction with 1,298 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full basement and two open frame porches. The property has a 7,920 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in November 2010 for a price of \$52,000. The appellant indicated the seller was Fifth Third; the property was sold using a Realtor; and the property was advertised in the Multiple Listing Service (MLS). The appellant also submitted a copy of the MLS listing sheet indicating the property was REO/Lender Owned, Pre-Foreclosure and had been on the market 15 days prior to the sale.

The appellant also submitted information on 12 sales that sold from February 2011 to June 2012 for prices ranging from \$21,200 to \$50,000. The appellant provided copies of the MLS listing sheets for each comparable which disclosed that: comparable #1 "needs a lot of TLC"; comparable #2 sold at auction; comparable #3 was a "diamond in the rough" that was REO/Lender Owned, Pre-Foreclosure; comparable #4 "needs TLC to shine again" and was Pre-Foreclosure; comparable #5 sold "as is" and was REO/Lender Owned, Pre-Foreclosure; comparable #6 sold "as is" and was REO/Lender Owned, Pre-Foreclosure; comparable #7 was a short sale; comparable #8 was a REO/Lender Owned, Pre-Foreclosure; comparable #9 sold "as is without repair" and was REO/Lender Owned, Pre-Foreclosure; comparable #10 sold "as is" and was REO/Lender Owned, Pre-Foreclosure; comparable #11 sold "as is" and was REO/Lender Owned, Pre-Foreclosure; and comparable #12 was Pre-foreclosure.

Based on this evidence the appellant requested the subject's assessment be reduced to \$11,999.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,433. The subject's assessment reflects a market value of \$109,244 or \$84.16 per square foot of living area, land included, when using the 2012 three year average median level of assessments 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 that the subject property sold "as is". The assessor also noted that the MLS rental listing of the subject property indicated the property had been renovated. A copy of the rental listing was submitted stating: "Home being renovated with new kitchen cabinets, all new carpeting, and paint." The agent remarks on the listing stated, "Very nice home in a great location."

The assessor also indicated the appellant provided all foreclosures and (1) short sale.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor that were improved with two part one-story and part two-story dwellings and three 2-story dwellings that ranged in size from 1,264 to 1,750 square feet of living area. The dwellings were constructed in 1900 and 1913. Each comparable had a basement with one being finished and a garage. Three comparables had central air conditioning and one comparable had a fireplace. The comparables sold from April 2010 to September 2011 for prices ranging from \$114,900 to \$150,000 or from \$79.79 to \$99.46 per square foot of living area, including land.

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 evidence in the record supports a reduction in the assessment of the subject property.

The Board finds the appellant presented evidence that the subject property sold in November 2010 for a price of \$52,000. The information provided by the appellant indicated the sale had the elements of an arm's length transaction. However, the evidence provided by the board of review indicated that subsequent to the purchase the dwelling underwent renovation. Therefore, the Board finds the purchase price is not indicative of fair cash value as of January 1, 2012.

The appellant also submitted information on twelve comparable sales that sold from February 2011 to June 2012 for prices ranging from \$21,200 to \$50,000. The evidence disclosed, however, that one was sold at auction and the remaining comparables were foreclosures and a short sale. Section 1-23 of the Code defines 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. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

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. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these types of sales in revising and correcting the assessment. However, the MLS sheets provided by the appellant indicated many of these comparables sold "as is" or needed TLC. Considering the evidence disclosed the subject has been renovated, the Board finds these sales are not representative of the subject property as of the assessment date at issue and are to be given little weight.

The board of review provided information on five sales, with comparables #1, #2, #4 and #5 occurring most proximate in time to the assessment date at issue. These comparables sold for prices ranging from \$114,000 to \$130,400 or from \$79.79 to \$99.46 per square foot of living area, including land. The subject's assessment reflects a market value of \$109,244 or \$84.16 per square foot of living area, land included, which is within the range established by the comparables on a square foot basis. However, these comparables were superior to the subject in that each had a garage, three comparables had central air conditioning and one comparable had a fireplace; which would require downward adjustments due to the additional features. The Board finds the subject's assessment should be slightly below the range established by these sales on a square foot basis when considering the differences in features. Based on this record 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.

Chairman

K. L. Fen

Member

DR

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

A. Portol

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.