



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

APPELLANT: Tim Ramseyer
DOCKET NO.: 12-01445.001-R-1
PARCEL NO.: 06-13-208-008

The parties of record before the Property Tax Appeal Board are Tim Ramseyer, 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: \$ 9,498
IMPR.: \$ 1,674
TOTAL: \$11,172

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 one-story frame dwelling that has 1,193 square feet of living area. The dwelling was constructed in 1900. The home has a full unfinished basement and a 440 square foot detached garage. The subject property has

a 9,928 square foot lot. The subject property is located in Elgin Township, Kane County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the subject's recent sale price. The appellant's appeal petition indicated the subject property sold in December 2011 for \$33,500. The appellant submitted the Multiple Listing Service (MLS) sheet, the listing history and settlement statement associated with the sale of the subject property. The subject property was listed on and off the open market from October 2011 to December 2011 for an offering prices of \$39,900 that was reduced to \$35,000 in November 2011 before it ultimately sold. The sale was between un-related parties. The MLS sheet indicates the dwelling "needs rehab" and "sold as is".

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,750. The subject's assessment reflects an estimated market value of \$116,192 or \$97.39 per square foot of living area including land when applying the 2012 three-year average median level of assessment for Kane County of 33.35%.

In support of the subject's assessment, the board of review submitted an income approach to value and four suggested comparable sales. The evidence was prepared by the Elgin Township Assessor's Office.

The comparable sales had varying degrees of similarity when compared to the subject. The comparables sold from September 2010 to May 2011 for prices ranging from \$120,000 to \$134,000 or from \$106.77 to \$120.77 per square foot of living area including land.

Because the subject is a rental dwelling, the assessor developed the income approach to value using the gross rent multiplier (GRM) methodology. Based on a survey of 55 suggested rental comparables, which had monthly rents ranging from \$750 to \$1,800, the assessor concluded the subject property would have a monthly rental rate of \$1,200 or a gross annual income of \$14,400. Using five suggested comparable sales that sold from February 2009 to December 2010, the assessor extracted a GRM of 9. Applying the GRM of 9 to the subject's estimated gross

annual income of \$14,400, the assessor concluded the subject property had a market value of \$129,600 under income approach to value.

With respect to the evidence submitted by the appellant, the assessor argued the subject's sale was a result of foreclosure and was noted as a cash sale only, which limit the type of buyer.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

First, the Board gave little weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is other credible market data available.

The Board finds the best evidence of market value in this record is the subject's sale price in December 2012 for \$33,500. The subject dwelling was described as "needs rehab" and "sold as is", which suggests it was in poor condition. The Board finds the subject's sale appears to meet the fundamental elements of an arm's-length transaction. The subject's assessment reflects an estimated market value of \$116,192, which is considerably more than the subject's recent sale price. The board of review did not present any credible evidence that would demonstrate the subject's sale was not an arm's-length transaction. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44

Ill.2d. 428, (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

The Board further finds the comparable sales submitted by board of review do not overcome the subject's arm's-length sale price as provided by the aforementioned controlling Illinois case law. Moreover, two comparables sold in 2010, which are dated and less reliable indicators of market value as of the subject's January 1, 2012 assessment date; all the comparables are newer in age than the subject; one comparable was a dissimilar design when compared to the subject; all the comparables are located in different subdivisions than the subject; and the assessor failed to disclose the proximate location of the comparables in relation to the subject.

Based on this analysis, the Board finds the subject property is overvalued and a reduction in its assessment is justified. Since fair market value has been established, Kane County's 2012 three year average median level of assessment of 33.35% shall apply.

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.

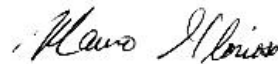
Chairman



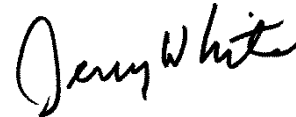
Member



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.