



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

APPELLANT: Richard Landwehr
DOCKET NO.: 12-01581.001-R-1
PARCEL NO.: 06-09-478-003

The parties of record before the Property Tax Appeal Board are Richard Landwehr, the appellant, 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: \$18,504
IMPR.: \$23,163
TOTAL: \$41,667

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 single-family dwelling of frame exterior construction with 1,377 square feet of living area. The dwelling was constructed in 1981. Features of the home include a full unfinished basement, central air conditioning and an attached two-car garage. The property has a

7,700 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 on four comparable sales located from .09 to .40 of a mile from the subject property. The comparables consist of a one-story dwelling, a raised ranch, a 1.5-story and a 2-story dwelling. The comparables were built between 1980 and 1986. The homes range in size from 1,428 to 1,986 square feet of living area. Three of the comparables have full or partial basements and one comparable has a crawl-space foundation. Each comparable has central air conditioning and a two-car garage. Three of a comparables have a fireplace. These properties sold between September 2010 and May 2012 for prices ranging from \$109,900 to \$130,000 or from \$47.74 to \$90.69 per square foot of living area, including land.

Based on the foregoing evidence, the appellant requested a total assessment of \$41,667 which would reflect a market value of approximately \$125,000 or \$90.78 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,854. The subject's assessment reflects a market value of \$164,480 or \$119.45 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 from the Elgin Township Assessor. In the memorandum, it was noted that appellant's comparables #2, #3 and #4 differ in design from the subject's one-story style. In addition, it was noted that each of the comparables were either foreclosure or short sales. The board of review also submitted a grid analysis where appellant's comparable #4 was described as a "split + 1 story" with a total living area of 2,304 square feet which then reflects a sale price of \$77.70 per square foot of living area.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on eight comparable sales that sold between June 2010 and August 2011 for prices ranging from \$136,900 to \$268,900 or from \$119.24 to \$162.28 per square foot of living area, including

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

In written rebuttal, the appellant noted differences in curb appeal between the subject and the comparables presented by the board of review. In addition, the appellant noted some of the comparables were significantly newer than the subject dwelling, differ in design, are larger dwellings, have larger lots and/or have different amenities than the subject property.

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.

The parties submitted a total of twelve comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to appellant's comparables #2, #3 and #4 as these dwellings differ in design from the subject one-story home whereas each of these homes have part one-story and part-two story or split-level designs. The Board has also given no weight to board of review comparables #1 and #2 as these sales occurred in June and July 2010 which dates are remote in time to January 1, 2012 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. The Board has given little weight to board of review comparables #3, #4, #5 and #7 as these dwellings differ significantly in age from the subject by being either much newer or much older and thus are less likely to be indicative of the subject's market value.

As to the criticisms of the appellant's comparables, the Property Tax Appeal Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "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.

Section 16-183 provides:

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.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2012 and moreover, the board of review identified comparable sales #6 and #7 in their own evidence as "short sales."

On this record, the Board finds the best evidence of market value to be appellant's comparable sale #1 along with board of review comparable sales #6 and #8. These three most similar comparables sold between June and August 2011 for prices ranging from \$130,000 to \$220,000 or from \$89.29 to \$131.63 per square foot of living area, including land. The subject's assessment reflects a market value of \$164,480 or \$119.45 per square foot of living area, including land, which falls within the range established by these three best comparable sales in the record, although board of review comparables #6 and #8 each have finished basement area which is not a feature of the subject. The Board finds that appellant's comparable sale #1 has greater similarity to the subject in age, size, lack of basement finish and features. After considering adjustments and the differences in the best comparables when compared to the subject property, the Property Tax Appeal Board finds the subject property is overvalued and a reduction commensurate with the appellant's request is 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.

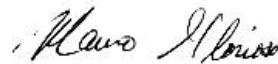
Chairman



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.