



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

APPELLANT: Jonathan Pollock
DOCKET NO.: 12-01761.001-R-1
PARCEL NO.: 06-20-357-005

The parties of record before the Property Tax Appeal Board are Jonathan Pollock, the appellant, 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: \$23,562
IMPR.: \$70,760
TOTAL: \$94,322

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 exterior construction with brick trim. The dwelling contains 3,672 square feet of living area and was constructed in 2006. Features of the home include a partial unfinished basement, central air conditioning and an attached

two-car garage.¹ The property has a 10,000 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 on December 10, 2010 for a price of \$231,700. The appellant 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 was bank owned and had been advertised on the open market with the Multiple Listing Service for less than 60 days. The property was sold in settlement of a foreclosure.

In further support of the transaction the appellant submitted a copy of the sales contract reflecting the property was sold "as is." The appellant also submitted a copy of the Settlement Statement which reiterated the sale date and price and depicted the payment of brokers' fees as part of the transaction. A copy of the PTAX-203 Illinois Real Estate Transfer Declaration reflected that the property was advertised prior to the sale, that the property was to be buyer's principal residence and that the property sold for \$231,700 via Special Warranty Deed.

Based on this evidence, the appellant 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 \$94,322. The subject's assessment reflects a market value of \$282,825 or \$77.02 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. The assessor erroneously stated that the appellant submitted three foreclosure sales of smaller dwellings as comparables for this appeal. The memorandum also noted that the sale of the subject in 2010 was a foreclosure.

In support of its contention of the correct assessment the board of review through the Elgin Township Assessor submitted

¹ The assessing officials report the subject dwelling has an average quality fireplace on one stack. The appellant reported the dwelling does not have a fireplace. The Board finds this factual dispute does not prevent a determination of the correct assessment of the subject property on this record.

information on four comparable sales, three of which are the same model home as the subject. The comparables range in size from 3,542 to 3,672 square feet of living area and were built between 2004 and 2010. These comparables sold between April 2010 and June 2012 for prices ranging from \$306,000 to \$383,498 or from \$84.00 to \$106.00 per square foot of living area, including land, rounded.

Based on this evidence and argument, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board gave little weight to the subject's sale that occurred in December 2010 due to the fact the sale did not occur proximate in time to the assessment date at issue of January 1, 2012 and thus, the sale price is less likely to be indicative of the subject's market value a year after the sale price.

Similarly, the Board gave little weight to board of review comparable sales (identified as) #4 and #5 which sold in June and April 2010, respectively. Like the sale of the subject, these sales are remote in time to the valuation date of January 1, 2012.

The Board finds the best evidence of market value in the record to be two of the comparable sales submitted by the board of review, comparables #1 and #2. These comparables were similar to the subject in location, style, construction, features, age and/or land area. These properties also sold in May 2011 and June 2012, which dates are more proximate in time to the assessment date at issue. These comparables sold for prices of \$306,000 and \$383,498 or for \$84.00 and \$104.00 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$282,825 or \$77.02 per

square foot of living area, including land, which is below the best comparable sales in this record.

Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not 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.

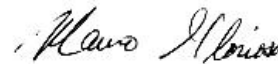
Chairman



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.