



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

APPELLANT: Arturo Medellin
DOCKET NO.: 12-04696.001-R-1
PARCEL NO.: 06-12-280-007

The parties of record before the Property Tax Appeal Board are Arturo Medellin, the appellant, by attorney Dennis D. Koonce of Dennis Koonce Attorney at Law, in Frankfort, 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: \$8,466
IMPR.: \$9,210
TOTAL: \$17,676**

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 1.5-story single-family dwelling of frame construction with 1,260 square feet of living area. The dwelling was constructed in 1931. Features of the home include a full basement with finished area, central air conditioning and a detached 400 square foot garage. The

property has a 6,468 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 28, 2011 for a price of \$53,000. 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 \$41,226. The subject's assessment reflects a market value of \$123,616 or \$98.11 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 Elgin Township asserting that the appellant submitted no comparable sales and was relying upon the recent foreclosure/bank REO sale of the subject property.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales that occurred between May 2010 and November 2011 for prices ranging from \$120,000 to \$134,000 or from \$97 to \$104 per square foot of living area, including land, rounded.

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.

The Property Tax Appeal Board has given no weight to board of review comparables #3 through #5 as these sales occurred in 2010

and are remote in time to the assessment date of January 1, 2012 such that they are 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, a month prior to the assessment date of January 1, 2012, for a price of \$53,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. 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 had been advertised on the open market with the Multiple Listing Service and it had been on the market for 37 days. The Multiple Listing Service data sheet reveals that the home was "in need of a little TLC" and was originally offered for sale at \$49,900. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date along with depicting the payment of brokers' fees in the transaction.

The Board finds the purchase price of \$53,000 is below the market value reflected by the assessment of \$123,616. In light of the arm's length nature of the subject's sale transaction and condition issues with the subject dwelling, the Board has given little weight to board of review comparable sales #1 and #2 which sold in May and November 2011 for \$112,900 and \$134,000, respectively.

Furthermore, the Property Tax Appeal Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the subject's sale transaction. Furthermore, the board of review did not refute the contention that the purchase price was reflective of market value in light of the apparent condition issues with the property.

Based on this record the Board finds the subject property had a market value of \$53,000 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.

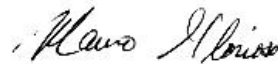
Chairman



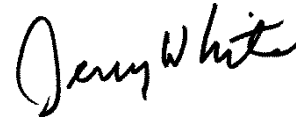
Member



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.