



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

APPELLANT: Amber Eidson
DOCKET NO.: 12-04697.001-R-1
PARCEL NO.: 06-12-353-011

The parties of record before the Property Tax Appeal Board are Amber Eidson, 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: \$9,942
IMPR.: \$15,071
TOTAL: \$25,013**

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 dwelling of frame construction with 1,472 square feet of living area. The dwelling was constructed in 1987. Features of the home include a full walkout-style basement with some finished area, central air conditioning and an attached 648 square foot garage. The

property has a 10,197 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 March 19, 2012 for a price of \$75,000. 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 \$51,158. The subject's assessment reflects a market value of \$153,397 or \$104.21 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 who noted that the subject's recent purchase was a short sale which closed after January 1, 2012. The assessor also contended that the subject property was unique for the neighborhood as it was constructed in 1987 and most of the area homes were significantly older than that. Therefore, the assessor researched for homes out of the area that were built in the 1980's. While the comparables are located "on the other side of town" from the subject they are similar in size and year built. Moreover, the assessor contended that due to the lack of sales, it was necessary to use 2012 sales, even though they closed after January 1, 2012. The assessor also asserted that the subject has a larger lot and larger garage than the comparables along with having a walkout basement.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales of one-story frame dwellings that sold between February 2010 and May 2012 for prices ranging from \$147,500 to \$161,500 or from \$102 to \$123 per square foot of living area, including land.

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 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 #1 and #2 as these properties sold in 2010, a date remote in time to the valuation date of 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 also given little weight to board of review comparables #3 and #4 which are located an unknown distance from the subject property and may or may not have similar market attributes as the subject property. Notably, the lots of these two comparables are smaller than the subject parcel, but each comparable has a higher land assessment on a per-square-foot basis than the subject which further implies that there are differing market conditions between the subject and these comparables.

On this record, the Board finds the best evidence of market value to be the purchase of the subject property in March, 2012, a date three months after the valuation date at issue, for a price of \$75,000. 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 146 days. A copy of the Multiple Listing Service data sheet reveals the original asking price for the subject was \$99,900 which is also less than the subject's estimated market value as reflected by its assessment. The property was sold "as is" and was described as "handicap equipped w/oversized doors and wide hallways." In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date and depicting the payment of brokers' fees as part of the transaction.

The Property Tax Appeal Board further finds the purchase price of \$75,000 is below the market value reflected by the assessment of \$153,397. The Board finds the board of review did not

present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

Based on this record the Board finds the subject property had a market value of \$75,000 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.

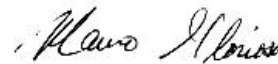
Chairman



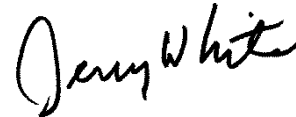
Member



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.