



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

APPELLANT: Matt & Vasiliki Ortiz  
DOCKET NO.: 13-00774.001-R-1  
PARCEL NO.: 06-11-304-004

The parties of record before the Property Tax Appeal Board are Matt and Vasiliki Ortiz, the appellants, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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:** \$8,336  
**IMPR.:** \$18,764  
**TOTAL:** \$27,100

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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) contesting the assessment for the 2013 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 is improved with a one-story dwelling of frame construction with 864 square feet of living area. The dwelling was constructed in 1955. Features of the property include a full basement that is partially finished,, central air conditioning, two bedrooms, one bathroom and a two-car detached garage with 484 square feet of building area. The property has

a 11,996 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$67,000 as of January 1, 2013. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using five comparable sales. The comparables were improved with one-story dwellings that ranged in size from 654 to 1,008 square feet of living area. The dwellings range in age from 52 to 80 years old. The properties were located from .77 to .98 miles from the subject property. Each comparable has a basement with three being finished, four comparables have central air conditioning and a one-car or a two-car garage. The comparables sold from July 2011 to November 2012 for prices ranging from \$57,500 to \$79,000 or from \$64.48 to \$94.72 per square foot of living area, including land. The appraiser made adjustments to the comparables to account for differences from the subject and arrived at adjusted prices ranging from \$62,000 to \$74,400. Based on this evidence the appraiser estimated the subject had a market value of \$67,000 or \$77.55 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 \$33,300. The subject's assessment reflects a market value of \$99,970 or \$115.71 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a statement from the Elgin Township assessor asserting that appellants' appraisal comparable sales #1, #4 and #5 were located in a different neighborhood and were foreclosures.

In support of the assessment the assessor submitted information on three comparable sales improved with one-story dwellings that ranged in size from 725 to 960 square foot of living area. The dwellings were constructed in 1952 and 1956. Each comparable had a finished basement, central air conditioning, 1.5 or 2 bathrooms and detached garages ranging in size from 264 to 864 square feet of building area. Two comparables each had a fireplace. The comparables were located in the same neighborhood as the subject property. These properties sold

from June 2011 to February 2013 for prices ranging from \$ 112,500 to \$119,500 or from \$124.48 to \$155.17 per square foot of living area, including land.

In rebuttal the appellants submitted a statement from a co-signer of the appellants' appraisal asserting that the appraiser searched for one bath detached single family residences, the same as the subject. The appraiser asserted that all three of the assessor's comparables have at least one and one-half bathrooms. The appraiser acknowledged that only two of the comparables used in the appraisal were foreclosures, he asserted the multiple listing service (MLS) did not recognize them as foreclosures. The appellants' appraiser further noted 62% of the sales in 2011 and 63.7% of the sales in 2012 located within a one mile radius of the subject were foreclosures. The appraiser also stated that it appeared that assessor's sales #2 and #3 are "recent rehabs" or in better condition than the subject property. The appellants submitted copies of the MLS listings associated with assessor's sales #2 and #3.

#### **Conclusion of Law**

The appellants contend 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 evidence in the record supports a reduction in the subject's assessment.

The record contains an appraisal with five comparable sales and three comparable sales provided by the board of review. As part of its argument the board of review submitted a statement asserting that three sales used in the appraisal were foreclosures, although the appraiser responded that only two of the comparables were foreclosures. Section 1-23 of the Code defines compulsory sale as:

"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. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

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. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board gives most weight to appellants' appraisal comparable sales #2, #3 and #4, which were improved with two bedroom/one bathroom dwellings similar to the subject dwelling. These comparables sold for prices ranging from \$57,500 to \$79,000 or from \$70.17 to \$94.72 per square foot of living area, including land. The subject's assessment reflects a market value of \$99,970 or \$115.71 per square foot of living area, including land, which is above the range established by the best comparable sales in the record. Less weight was given the remaining sales presented by the parties due to differences from the subject in features. Based on this evidence the Board finds a reduction in the subject's assessment is 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.

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Chairman

*K. L. Fan*

*Klaus Albrecht*

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

*JR*

*Jerry White*

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Member

\_\_\_\_\_  
Acting Member

*Robert Steffen*

\_\_\_\_\_  
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: November 20, 2015

*A. Proctor*

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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.