



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

APPELLANT: Ana Sorto
DOCKET NO.: 13-01380.001-R-1
PARCEL NO.: 06-24-205-010

The parties of record before the Property Tax Appeal Board are Ana Sorto, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; 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: \$6,391
IMPR.: \$12,609
TOTAL: \$19,000**

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 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 two-story dwelling of frame construction with 1,468 square feet of living area. The dwelling was constructed in 1914. Features of the property include a full basement, 1.5 bathrooms, an open frame porch, an enclosed frame porch and a detached garage with 400 square feet

of building area. The property has a 5,559 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 November 7, 2012 for a price of \$57,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the property was purchased from Elias Jaramillo and the parties were not related. The appellant further indicated that the property was sold through a Realtor and the property had been advertised for sale through the Multiple Listing Service. The appellant submitted a copy of the Listing & Property History Report disclosing the property was listed for sale on August 24, 2012 for a price of \$59,900 and had been on the market for 20 days. The appellant also submitted a copy of the settlement statement, a copy of the sales contract and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration documenting the sale.

In further support of the overvaluation argument the appellant submitted information on 14 comparable sales improved with two-story dwellings that ranged in size from 1,280 to 1,674 square feet of living area. The comparables sold from January 2012 to January 2014 for prices ranging from \$27,650 to \$50,000 or from \$19.10 to \$34.92 per square foot of living area, including land. 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 \$36,391. The subject's assessment reflects a market value of \$109,249 or \$74.42 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 evidence provided by the Elgin Township Assessor. The assessor first asserted the subject's transaction was a short-sale. The assessor also stated the appellant submitted no comparable sales; however, the appellant had provided 14 comparable sales.

In support of the assessment the assessor identified five comparable sales that were improved with four part 1-story and part two-story dwellings and one two-story dwelling that ranged in size from 1,420 to 1,643 square feet of living area. The

dwellings were constructed from 1900 to 1910. The sales occurred from July 2010 to January 2013 for prices ranging from \$105,000 to \$149,000 or from \$74 to \$92 per square foot of living area, land included, rounded.

In rebuttal the appellant acknowledged the subject's transaction was a compulsory sale as defined by section 1-23 of the Property Tax Code (35 ILCS 200/1-23). The appellant further asserted that section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides that, "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 appellant argued that the legislature mandated consideration of short sales as comparables to correct the assessment of a property on appeal; it follows that the "short sale" of the subject property should likewise be considered in revising the assessment of the subject property.

The appellant also argued in rebuttal that board of review sales #2 through #5 should be given less weight due to the dates of sale not being proximate in time to the assessment date of January 1, 2013. The appellant also asserted that the MLS listing sheets for comparables #1, #2, #3 and #4 reported each home as being a "recent rehab." The appellant also stated that the MLS listing sheet for comparable #5 stated in part that the home had "top to bottom upgrades."

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 Board finds the best evidence of market value to be the purchase of the subject property in November 2012 for a price of \$57,000 or \$38.83 per square foot of living area, including land. 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 in the Multiple Listing and it had been on the market for 20 days. In further support of the transaction the appellant submitted a copy of the sales contract, a copy of the settlement statement, a copy of the PTAX-203 Illinois Real Estate Transfer Declaration and a copy of the Listing & Property History Report. The Board further finds the comparable sales provided by the appellant that sold for prices ranging from \$27,650 to \$50,000 or from \$19.10 to \$34.92 per square foot of living area, including land, supports the conclusion that the purchase price is indicative of fair cash value. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. The Board gave less weight to the comparable sales provided by the board of review due to fact the evidence indicated these homes had been rehabilitated and comparables #2 through #5 did not sell proximate in time to the assessment date at issue. Based on this record the Board finds a reduction in the subject's assessment is appropriate.

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

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

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

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.