



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

APPELLANT: David Petit  
DOCKET NO.: 13-01820.001-R-1  
PARCEL NO.: 09-11-355-002

The parties of record before the Property Tax Appeal Board are David Petit, 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:** \$19,996  
**IMPR.:** \$5,004  
**TOTAL:** \$25,000

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 one-story dwelling of frame construction with 1,248 square feet of living area. The dwelling was constructed in 1975. Features of the property include a slab foundation, central air conditioning, a wooden deck, a shed with 80 square feet of building area and a detached garage with 598 square feet of building area. The property has

an 8,400 square foot site and is located in St. Charles, St. Charles 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 October 19, 2012 for a price of \$58,900. The appellant disclosed the property was purchased from the Department of Housing and Urban Development (HUD) and the parties to the transaction were not related. The appellant further indicate the property was sold through a Realtor, Chase Real Estate LLC, the property had been advertised in the Multiple Listing Service and had been on the market seven days. The appellant submitted a copy of the MLS listing for the subject disclosing the property was listed on September 6, 2012 for a price of \$65,000, a contract was entered on September 12, 2012, and the closing occurred on October 19, 2012. The listing sheet also disclosed the property was an REO/Lender Owned, Pre-Foreclosure. Also submitted were a copy of the Listing & Property History Report, a copy of the settlement statement and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration documenting the sale. The transfer declaration disclosed the property was advertised for sale and that the seller was a financial institution or government agency. 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 \$39,308. The subject's assessment reflects a market value of \$118,007 or \$94.56 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 information on five comparable sales identified by the St. Charles Township Assessor. The comparables were improved with one-story dwellings of frame construction that ranged in size from 960 to 1,095 square feet of living area. The dwellings were constructed from 1960 to 1978 and were located from .06 to .37 of a mile from the subject property. Two of the comparables had basements with one being partially finished, four comparables had central air conditioning, each comparable had a garage ranging in size from 364 to 528 square feet of building area and three comparables had sheds ranging in size from 80 to 96 square feet. These properties sold from November 2012 to November 2013 for prices

ranging from \$106,000 to \$130,000 or from \$96.80 to \$125.00 per square foot of living area, including land.

In rebuttal the appellant's attorney argued that the Kane County Board of Review did not call into question the arm's length nature of the subject's transaction. The attorney also critiqued the sales provide by the board of review noting that comparable #1 was reported by the MLS listing as being "SOLD DURING PROCESSING" and contends the property was not exposed to the market; comparable #2 was described on the MLS listing sheet as having a new furnace, newer windows in the living room and kitchen, a partially finished basement, a whole house generator and a back-up sump pump; comparable #3 was reported on the PTAX-203 Illinois Real Estate Transfer Declaration as not being advertised for sale; comparable sale #4 was reported on the MLS listing sheet as being a "recent rehab", has a full basement and had new paint throughout; and comparable #5 was reported on the MLS listing sheet as being very well maintained and nicely updated. The appellant submitted copies of the MLS listing sheets for comparable sales #1, #2, #4 and #5 as well as the transfer declaration for board of review sale #3.

#### **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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the best evidence of market value to be the purchase of the subject property in October 2012 for a price of \$58,900 as well as board of review sale #1. The record disclosed the subject property was a REO/Lender Owned, Pre-Foreclosure at the time of sale. 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 the sale of the subject property.

The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant disclosed 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 7 days. In further support of the transaction the appellant submitted a copy of the settlement statement and the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale. The Board finds the purchase price is below the market value reflected by the assessment.

The board of review submitted information on five comparable sales. These comparables sold for prices ranging from \$96.80 to \$125.00 per square foot of living area, including land. The Board finds these sales tend to demonstrate the sale of the subject property for a unit price of \$47.20 per square foot of living area, including land, may not be truly indicative of fair cash value as of the assessment date. The Board finds comparables #2, #3, #4, and #5 were superior to the subject in condition and/or features or were not advertised for sale. Board of review comparables #2 and #4 had basements. Additionally, each of these for sales was reported on the MLS listings or the PTAX-203 Illinois Real Estate Transfer Declaration as having repairs, upgrades or been remodeled. The Property Tax Appeal Board gives these sales less weight. The Board finds board of review comparable #1 was relatively similar to the subject in style and features but was 15 years older than the subject dwelling. This comparable sold for a price of

\$106,000 or \$96.80 per square foot of living area, including land, which is below the overall value of the subject property as reflected by the assessment but above the value of the subject property on a square foot basis. Based on this record, giving consideration to the subject's sale and board of review comparable sale #1, 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*

*Mario Alvarez*

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Member

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Member

*JR*

*Jerry White*

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Member

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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: December 18, 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.