



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

APPELLANT: David Lockhart
DOCKET NO.: 13-02287.001-R-1
PARCEL NO.: 15-23-380-026

The parties of record before the Property Tax Appeal Board are David Lockhart, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$2,617
IMPR.: \$18,161
TOTAL: \$20,778

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 consists of a one-story single-family dwelling of frame construction with 920 square feet of living area. The dwelling was constructed in 1904. Features of the home include a full basement and a detached 270 square foot garage. The property has an 8,712 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on six comparable sales located from .3 of a mile to 1-mile from the subject property. The comparables consist of one-story frame dwellings that were each over 100 years old. The dwellings range in size from 853 to 1,035 square feet of living area with full or partial basements. One of the comparables has a one-car garage. The properties sold between January 2012 and May 2013 for prices ranging from \$21,500 to \$30,900 or from \$21.83 to \$33.48 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$7,999 which would reflect a market value of approximately \$23,997 or \$26.08 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 \$20,778. The subject's assessment reflects a market value of \$62,378 or \$67.80 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 response to the appeal, the board of review contended that the subject dwelling has been "updated since its purchase" and the subject property is being rented and the remarks in the rental listing regarding the February 2012 rent agreement indicate the property has been freshly painted and has a new bathroom and kitchen. The board of review also contended that all of the sales presented by the appellant were foreclosure sales "representing inferior condition." As part of its submission, the board of review reported a June 2013 sale of appellant's comparable #2 for \$83,000 or \$82.34 per square foot of living area, including land.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales. The comparables consist of one-story frame dwellings that were built between 1917 and 1929. The dwellings range in size from 850 to 1,008 square feet of living area with full basements. One of the comparables has a garage. The comparables were sold between June 2010 and June 2012 for prices ranging from \$75,000 to \$80,000 or from \$74.40 to \$97.80 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.

In written rebuttal, counsel for the appellant argued that foreclosure sales are to be considered in accordance with Sections 16-55 and 16-183 of the Property Tax Code (35 ILCS 200/16-55(b) & 16-183). As to board of review comparable sale #1, the appellant's counsel asserted the property was not advertised prior to its sale; the applicable PTAX-203 Illinois Real Estate Transfer Declaration does not have an answer to Question 7 regarding whether the property was advertised. Additionally, counsel contends that there is no proximity information presented by the board of review's sales data.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board with two sales of appellant's comparable #2.

The board of review noted the appellant's comparables sold as 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.

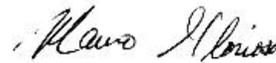
Based on these statutes, the Property Tax Appeal Board finds it appropriate to consider foreclosure sales in revising and correcting the subject's assessment.

The Board has given little weight to board of review comparable sales #2 and #3 as the properties sold in 2010 and 2011, dates remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value.

The Board finds the best evidence of market value to be the appellants' comparable sales along with board of review comparable #1 and the re-sale of appellant's comparable sale #2. These seven comparables had varying degrees of similarity when compared to the subject dwelling. These most similar comparables sold between January 2012 and June 2013 for prices ranging from \$21,500 to \$83,000 or from \$21.83 to \$97.80 per square foot of living area, including land. The subject's assessment reflects a market value of \$62,378 or \$67.80 per square foot of living area, including land, which is within the range established by the best and most recent comparable sales in this record. After considering adjustments and the differences in the most similar and best comparables when compared to the subject property, the Board finds a reduction in the subject's assessment is not 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.

Chairman



Member

Member



Member

Acting 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: December 18, 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.