



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

APPELLANT: David Lockhart
DOCKET NO.: 13-02303.001-R-1
PARCEL NO.: 15-34-130-007

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 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: \$4,597
IMPR.: \$19,769
TOTAL: \$24,366

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 1.5-story dwelling of frame and masonry construction with 1,463 square feet of living area. The dwelling was constructed in 1924. Features of the home include a full basement and a detached 252 square foot garage. The property has a 7,350 square foot site and is located in Aurora, Aurora 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 February 1, 2011 for a price of \$32,600. 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 at auction pursuant to a Sheriff's Sale, the property had been advertised in the newspaper as required by statute. In further support of the transaction the appellant submitted a copy of the Sheriff's Report of Sale and Distribution and the Sheriff's Deed in Judicial Sale. 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 \$27,346. The subject's assessment reflects a market value of \$82,095 or \$56.11 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 property was never listed "in the local MLS" and area sales support the subject's current assessment.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three equity comparables and on three comparable sales. The Property Tax Appeal Board will not further address the equity data that was submitted as this is not responsive to the appellant's overvaluation appeal.

As to the sales presented there is no information regarding proximity to the subject. The comparables consist of a two-story and two, 1.5-story dwellings of frame construction that were built in 1929 or 1948. The dwellings range in size from 1,528 and 1,627 square feet of living area. Each comparable has a basement, one comparable has a fireplace and each property has a garage ranging in size from 240 to 360 square feet of building area. The comparables sold between January 2011 and September 2012 for prices ranging from \$102,000 to \$125,000 or from \$62.69 to \$80.59 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 Board finds the best evidence of market value in the record to be the February 2011 purchase price of the subject property for \$32,600 along with due consideration of comparable sales #1 and #2 submitted by the board of review. The Board has given little weight to board of review comparable sale #3 which is a dissimilar two-story dwelling that is also substantially newer than the subject. The Board has also given reduced weight to the sale of the subject property since the subject sold 21 months prior to the valuation date at issue of January 1, 2013 making the date of sale somewhat remote in time.

Therefore, the Board finds that consideration shall be given to both the sale of the subject and to board of review comparable sales #1 and #2 which were similar to the subject in style, construction, size, features and/or age. Giving consideration to all three sales, the Board finds that the subject and these two comparable properties sold between January and June 2011 for prices ranging from \$32,600 to \$125,000 or from \$22.28 to \$80.59 per square foot of living area, including land. The subject's assessment reflects a market value of \$82,095 or \$56.11 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears to be excessive when giving due consideration to adjustments and differences between the subject and the comparables.

Based on this record the Board finds the subject is overvalued and 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.

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: December 18, 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.