



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

APPELLANT: Vicente Martinez
DOCKET NO.: 13-02305.001-R-1
PARCEL NO.: 15-14-327-006

The parties of record before the Property Tax Appeal Board are Vicente Martinez, 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: \$6,887
IMPR.: \$30,087
TOTAL: \$36,974

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 part 1.5-story and a part one-story single-family dwelling of frame construction with 1,854 square feet of living area. The dwelling was constructed in 1952. Features of the home include a partial basement and a detached 308 square foot garage. The property has an 11,930 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 October 1, 2012 for a price of \$61,601. 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 through a Sheriff's Sale, the property had been advertised on the open market as statutorily required in the local newspaper. In further support of the transaction the appellant submitted a copy of the Sheriff's Report of Sale and Distribution, a copy of the Certificate of Sale with evidence of publication and a copy of the Order Approving Report of Sale and Distribution and Order of Possession and Order for *In Rem* Deficiency. 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 \$39,922. The subject's assessment reflects a market value of \$119,850 or \$64.64 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 "on the open market" and area sales support the subject's current assessment. Additionally, the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which indicated the property was not advertised prior to the foreclosure sale along with a copy of the Sheriff's Deed in Judicial Sale.

In further 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 part 1.5-story and part one-story dwelling and two, 1.5-story dwellings of frame or frame and masonry construction that were built between 1917 and 1941. The dwellings range in size from 1,344 and 1,716 square feet of living area. Each comparable has a basement and a garage ranging in size from 240 to 712 square

feet of building area. The comparables sold between May 2010 and November 2012 for prices ranging from \$129,900 to \$143,000 or from \$82.46 to \$96.65 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.

As to the sales presented by the board of review, the Board has given reduced weight to comparable #3 which sold in 2010, a date more remote in time to the valuation date of January 1, 2013 and therefore less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be consideration of the sale of the subject property along with consideration of board of review comparable sales #1 and #2. The record is clear that the subject property was purchased in October, 2012 for a price of \$61,601 through an auction at a Sheriff's Sale to the highest bidder, but there is no indication as set forth in the Sheriff's Report of Sale and Distribution and other court documentation that this price actually reflects the property's actual market value in terms of its location, size, age and/or condition when considering area property sales. The documentation reflects that the Sheriff's Sale was published as required by statute and sold for cash to the highest bidder. The Board finds the purchase price of \$61,601 is below the market value reflected by the assessment of \$119,850.

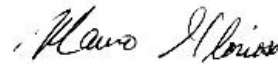
In further support of the subject's estimated market value as reflected by its assessment, the board of review presented comparable sales #1 and #2 which have varying degrees of similarity to the subject in design, age, size and/or features. These properties sold in October and November 2012 for prices of \$129,900 and \$141,500.

Giving due consideration to the purchase price of \$61,601 and to comparable sales #1 and #2 presented by the board of review of \$129,900 and \$141,500, the Board finds the subject property is overvalued based on its assessment and a reduction in the subject's assessment is warranted.

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

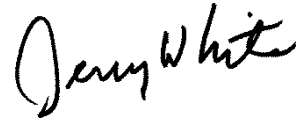




Member



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.