



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

APPELLANT: JRML College Trust
DOCKET NO.: 13-02306.001-R-1
PARCEL NO.: 15-02-426-005

The parties of record before the Property Tax Appeal Board are JRML College Trust, 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: \$15,615
IMPR.: \$9,449
TOTAL: \$25,064

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 approximately 1,630 square feet of living area. The dwelling was constructed in 1961. Features of the home include a basement, a fireplace and an attached garage. The property has an over one-acre 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 July 30, 2012 for a price of \$75,200. 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 with the Multiple Listing Service and it had been on the market for 25 days. In further support of the transaction the appellant submitted a copy of the Multiple Listing Service data sheet and the Listing & Property History Report which both indicated the property was originally listed on June 2, 2012 with an asking price of \$57,500. 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 \$63,342. The subject's assessment reflects a market value of \$190,159 or \$116.66 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 noted that the subject "sold above its asking price by \$17,700 as an REO" and a loan was taken out on the subject property on October 3, 2013 for \$152,000. As such, the board of review argued that "assuming an 80% LTV this would have a market value of \$190,000."

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant reiterated the contention that the subject's sale transaction was an arm's length sale and argued that the board of review presented no evidence to dispute that assertion. As to the mortgage, the appellant's counsel argued the mortgage was obtained 10 months after the assessment date of January 1, 2013 as compared to the purchase of the subject property which occurred 5 months prior to the assessment date. Counsel argued that the sale which occurred more proximate in time to the assessment date is more indicative of value.

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 REO/foreclosure of the subject property, the Board takes judicial notice that 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.

Furthermore, 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 instructive and appropriate to consider the sale of the subject property in revising and correcting the subject's assessment.

The Board finds the only substantive evidence of market value in the record to be the purchase of the subject property in July, 2012 for a price of \$75,200. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The Board finds the purchase price of \$75,200 is below the market value reflected by the assessment of \$190,159. The Board further finds the board of review did not present any

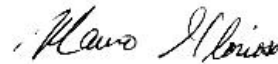
evidence to challenge the arm's length nature of the transaction and the board of review failed to provide any evidence to refute the contention that the purchase price was reflective of market value at the time of sale. Moreover, the Board finds that the purported mortgage evidence regarding the subject property is not substantive evidence of the property's market value as many different considerations can be applied with regard to the granting of a mortgage.¹

Based on this record and the sale date most proximate to the valuation date at issue of January 1, 2013, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is justified.

¹ Close examination of the documentation of the mortgage data reveals that the a conventional 30 year mortgage was taken out by buyer Dalia E. Cepele who apparently purchased the subject property from the appellant JRML College Trust on or about September 18, 2013 for a purchase price of \$190,000.

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.