



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

APPELLANT: John Lamaide
DOCKET NO.: 13-02311.001-R-1
PARCEL NO.: 12-27-153-006

The parties of record before the Property Tax Appeal Board are John Lamaide, 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: \$27,470
IMPR.: \$15,859
TOTAL: \$43,329

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 single-family dwelling of frame construction with 2,804 square feet of living area. The dwelling was constructed in 1941. Features of the home include a full basement, central air conditioning, an attached one-car garage and a detached three-car garage. The property has a 20,675 square foot site and is located in Batavia, Batavia 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 June 15, 2012 for a price of \$130,000. 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 16 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement, the Multiple Listing Service data sheet advertising the property as a "home in need of some repairs" and the Listing & Property History Report reflecting the original listing date of April 13, 2012 with an asking price of \$126,900. 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 \$80,853. The subject's assessment reflects a market value of \$242,729 or \$86.57 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 sold above its asking price "as an REO and appears to have had multiple offers." However, based on sales in the neighborhood, the board of review offered to reduce the subject's total assessment to \$59,994 which would reflect a market value of approximately \$179,982. To support the proposed assessment reduction, the board of review attached four Multiple Listing Service data sheets regarding comparable sales. The documents depict a one-story dwelling, two, 1.5-story dwellings and a two-story dwelling which were built between 1922 and 1951. The homes range in size from 1,158 to 2,700 square feet of living area. Three of the comparables have basements, one of which is a walkout style. Each comparable has a garage and these properties sold between October 2011 and August 2012 for prices ranging from \$146,880 to \$209,000 or from \$77.41 to \$153.08 per square foot of living area, including land.

The appellant was informed of this proposed assessment reduction and given 30 days to respond if the offer was not acceptable. The appellant's legal counsel responded that the proposed assessment reduction was still excessive for the subject property.

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.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983).

The Board finds the best evidence of market value to be the purchase of the subject property in June, 2012 for a price of \$130,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The Board finds the purchase price of \$130,000 is below the market value reflected by the assessment of \$242,729 and is also below the market value reflected by the proposed assessment reduction presented by the board of review of \$179,982. As to the sale of the subject property, the Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value at the

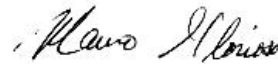
time of sale given that the subject was "in need of some repairs."

The board of review also submitted information on four sales. Three of sales differed substantially in living area square footage from the subject dwelling and one of the comparables was dissimilar in design from the subject. After analyzing the attached documentation, the Property Tax Appeal Board finds these four sales do not refute the appellant's evidence that the subject property sold after being exposed on the open market in a transaction involving parties that were not related.

Based on this record the Board finds the subject property is overvalued and a reduction in the assessment commensurate with the appellant's request 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.