



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

APPELLANT: Kenneth Sorensen
DOCKET NO.: 13-02318.001-R-1
PARCEL NO.: 04-08-100-014

The parties of record before the Property Tax Appeal Board are Kenneth Sorensen, 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: \$35,531
IMPR.: \$31,129
TOTAL: \$66,660

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 brick construction with 1,652 square feet of living area. The dwelling was constructed in 1971. Features of the home include a full basement, a fireplace and an attached 552 square foot garage. The property has a 4.62-acre site and is located in Sycamore, Burlington 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 May 31, 2012 for a price of \$200,000. 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 34 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement, a copy of the Multiple Listing Service data sheet depicting the original asking price of \$275,000 as of May 11, 2011 and a copy of the Listing & Property History Report reiterating that the property had been on the market for 351 days prior to its 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 \$71,143. The subject's assessment reflects a market value of \$213,579 or \$129.29 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 argued that given the "improvements done to the subject since its purchase" the board of review asserts the subject is being fairly assessed. In support of its contention, the board of review submitted a memorandum and data gathered by the Burlington Township Assessor Debbie McKermitt. The assessor provided a copy of a building permit dated June 6, 2012 for "remove shingles and apply new" and reported "due to the fact the roof permit was issued directly after the sale, the 'market value' was increased after the new roof was added." The township assessor also submitted copies of two additional permits: (1) dated August 13, 2013 for "pond deck and temporary floating dock" and (2) dated August 13, 2013 for "shed (2)." No property record card was submitted for the subject property to depict whether the additions of the deck, dock and/or shed(s) that were permitted in August 2013 were assessed as of the assessment date at issue of January 1, 2013.

In further support of the subject's assessment, the township assessor prepared a grid analysis of three comparable sales located in Hampshire or Maples Park, Illinois and which are an unknown distance from the subject property. The comparables

consist of one-story frame or masonry dwellings, one of which is described as a "log" house and one of which is described as a "farmhouse." The comparables were built between 1949 and 1980. The homes range in size from 1,515 to 2,160 square feet of living area. Each comparable has a basement and a detached garage ranging in size from 625 to 1,344 square feet of building area. The comparable parcels range in size from 4.86 to 5.02-acres of land area, but comparables #2 and #3 has 1 and 1.25-acres of "non-farm" land each. The properties sold between August 2010 and May 2011 for prices ranging from \$300,000 to \$370,000 or from \$155.09 to \$238.71 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, appellant's counsel noted that the board of review did not provide any evidence disputing the arm's length nature of the sale transaction. Nor did the board of review provide any evidence that the sale price was not reflective of market value.

As to the new roof, counsel contends that in accordance with Section 10-20 of the Property Tax Code (35 ILCS 200/10-20) maintenance and repairs to a structure shall not increase the assessed valuation unless the change increases the square footage, materially alters the character and condition of the structure, goes beyond merely prolonging the life of the existing structure or used materials that were greater in value than the replacement value of the materials being replaced. Counsel contends that in accordance with the statutory provision, merely restoring the structure from a state a disrepair does not materially alter the property. Nothing in the submission of the board of review establishes that the "new roof" was anything more than correcting a state of disrepair and restoring the property to standard repair.

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 Illinois Supreme Court 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 so to do. 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). Our supreme court has at least indicated that a sale of property during the tax year in question is a "relevant factor" in considering the validity of an assessment. [citations omitted]. 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 May, 2012 for a price of \$200,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The Board finds the purchase price of \$200,000 is below the market value reflected by the assessment of \$213,579. The Board finds the board of review did not present any 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 dwelling apparently needed a new roof as shown in the building permit that was submitted. Moreover, the assessing officials did not address how the installation of a new roof warrants an increase in market value as stated by Burlington Township Assessor McKermitt. (See 35 ILCS 200/10-20)

Similarly, the Board finds that building permits issued in August 2013 should not increase the January 1, 2013 assessment of the subject property. (See 35 ILCS 200/9-180)

The board of review submitted information on three comparable sales. The Board has given little weight to comparable sale #2

which occurred in august 2010, a date remote in time to the valuation date of January 1, 2013 and less likely to be indicative of the subject's estimated market value. Moreover, the Board finds sales #1 and #3 do not refute the appellant's evidence that 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 purchase price is the best indication of market value as of January 1, 2013, and 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.