



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

APPELLANT: Grotto Properties LLC  
DOCKET NO.: 13-02326.001-R-1  
PARCEL NO.: 06-24-256-015

The parties of record before the Property Tax Appeal Board are Grotto Properties LLC, 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 no change 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:** \$7,258  
**IMPR.:** \$27,977  
**TOTAL:** \$35,235

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 and one-half story frame dwelling that has 1,215 square feet of living area. The dwelling was constructed in 1900. Features include a partial unfinished basement and a detached 400 square foot garage. The subject property has 9,755 square feet of land area. The subject property is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on seven comparable sales located from .9 of a mile to 8.6-miles from the subject property. The comparables consist of 1.5-story frame dwellings that were reported to be more than 100 years old. The homes range in size from 943 to 1,876 square feet of living area. Each of the comparables have full basements, one of which is partially finished. Two of the comparables have central air conditioning; one comparable has a fireplace; and four comparables have a one-car or a two-car garage. These properties sold between March 2012 and August 2013 for prices ranging from \$28,100 to \$53,200 or from \$14.98 to \$47.67 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$16,665 which would reflect a market value of approximately \$50,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,235. The subject's assessment reflects a market value of \$105,779 or \$87.06 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 relied on data gathered and prepared by the Elgin Township Assessor's Office. The assessor asserted that each of the appellant's comparable sales were foreclose, cash sales that were sold in as is condition.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located an unknown distance from the subject property. The comparables consist of a one-story with finished attic, two, 1.5-story and a part one-story and part 1.5-story dwelling. The comparables were built between 1865 and 1950. The homes range in size from 1,080 to 1,320 square feet of living area and feature basements, two of which have finished area. One comparable has a fireplace and three of the comparables have a garage ranging in size from 240 to 400 square feet of building area. The properties sold between April 2010 and December 2011 for prices ranging from \$97,500 to \$114,900 or from \$87 to \$98 per square foot of living area, including land, rounded.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As to the appellant's evidence, the assessor noted the subject property and the appellant's comparables all sold as foreclosures. 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.

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 is appropriate to consider foreclosure sales in revising and correcting the subject's assessment.

The parties submitted a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #1 which sold in April 2010, a date more remote in time to the valuation date at issue and less likely to be indicative of the subject's estimated market value as of January 1, 2013.

The Board finds the remaining ten comparables have varying degrees of similarity to the subject in design, age, size and/or features. These comparables sold between February 2011 and August 2013 for prices ranging from \$28,100 to \$112,900 or from \$15 to \$98 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$105,779 or \$87.06 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. In conclusion, the preponderance of the evidence does not warrant a reduction in the subject's assessment and therefore, based on the evidence the Board finds a reduction in the subject's assessment is not 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.

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Chairman

*K. L. Fan*

*Mario Alvarez*

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Member

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Member

*JR*

*Jerry White*

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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*

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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.