



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

APPELLANT: Greenland Housing LLC  
DOCKET NO.: 13-02333.001-R-1  
PARCEL NO.: 06-24-276-004

The parties of record before the Property Tax Appeal Board are Greenland Housing 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:** \$7,941  
**IMPR.:** \$25,063  
**TOTAL:** \$33,004

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 one-story and part two-story dwelling of frame construction with 1,338 square feet of living area. The dwelling was constructed in 1920. Features of the home include a full unfinished basement. The property has a 7,529 square foot site and is located in Elgin, Elgin 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 December 12, 2011 for a price of \$36,000. 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 6 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date; a copy of the Multiple Listing Service data sheet depicting the property was sold as-is and was a bank REO/Lender owned, Pre-foreclosure; and a copy of the Listing & Property History Report depicting the original listing date of April 18, 2011 with an asking price of \$65,000, expiration of that listing on October 30, 2011 after 195 days on the market with a final asking price of \$47,900 followed by a new listing on November 11, 2011 with an asking price of \$37,900. 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 \$33,004. The subject's assessment reflects a market value of \$99,081 or \$74.05 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 submitted a statement from the Elgin Township Assessor's Office which incorrectly asserted that the appellant submitted ten comparable sales as evidence for this appeal. As to the sale of the subject, the assessor noted the property was sold in November 2011 for \$36,000 as a "foreclosure, cash sale, sold as-is."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales that were improved with two, two-story dwellings, a part 1-story and part 1.5-story dwelling and two, part one-story and part two-story dwellings that ranged in size from 1,080 to 1,565 square feet of living area. The dwellings were constructed between 1865 and 1910. Each comparable had a basement, three of which had finished area. Four of the comparables have a garage ranging in size from 216 to 502 square feet of building area. The comparables sold from May 2010 to

January 2013 for prices ranging from \$100,000 to \$129,900 or from \$74 to \$103 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.

In written rebuttal, counsel for the appellant noted that this appeal before the Property Tax Appeal Board was not based upon comparable sales, rather the appeal was based upon the recent sale of the subject property which case law indicates is the best evidence of market value presuming an arm's length transaction. The appellant argued that the subject was on the open market for 201 days prior to the sale transaction and the board of review has not provided evidence to dispute the arm's length nature of the sale transaction. Given that three of the sales presented by the board of review, the appellant argued that the subject's sale in 2011 should likewise be considered a recent sale for purposes of determining the subject's market 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Including the purchase price of the subject property, the parties submitted a total of six sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #5 as the sale occurred in May 2010, which is most remote in time to the valuation date at issue of January 1, 2013.

The Board finds the best market value evidence in the record are consideration of the sale of the subject which occurred in December 2011 along with board of review comparable sales #1 through #4 that sold between January 2011 and January 2013. These four board of review comparables have varying degrees of similarity to the subject property. The subject and comparable

properties sold for prices ranging from \$36,000 to \$129,900, including land. The subject is an outlier at the low end of the range and board of review comparable #2 is an outlier at the high end of the range. Without these two outliers, the remaining three sales range from \$100,000 to \$115,000. The subject's assessment reflects a market value of \$99,081, including land, which is below the range of the three mid-range comparable sales.

After considering the mid-range comparable sales and the sale of the subject on this record, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and a reduction in the subject's assessment is not 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.

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Chairman

*K. L. Fan*

*Klaus Albrecht*

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Member

\_\_\_\_\_  
Member

*JR*

*Jerry White*

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Member

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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.