



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

APPELLANT: Ricardo Guerrero
DOCKET NO.: 13-02366.001-R-1
PARCEL NO.: 06-13-280-014

The parties of record before the Property Tax Appeal Board are Ricardo Guerrero, the appellant, by attorney Jerri K. Bush 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: \$9,050
IMPR.: \$30,408
TOTAL: \$39,458**

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 two-story, part 1.5-story and part 1-story dwelling of frame construction with 2,127 square feet of living area. The dwelling was constructed in 1900. The dwelling was divided into two apartments with features that include a basement, central air conditioning and an open frame porch. The subject property has a 7,711 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 April 24, 2013 for a price of \$54,000. The appellant disclosed the subject property was purchased from the Federal National Mortgage Association (Fannie

Mae) out of foreclosure and the parties were not related. The appellant also indicated the property was sold through a Realtor, the property was listed in the Multiple Listing Service (MLS) and the property had been advertised for sale for 110 days. To document the sale the appellant submitted a copy of the settlement statement and a copy of the MLS listing of the subject property which described the property as REO/Lender Owned, Pre-Foreclosure. 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 \$39,458. The subject's assessment reflects a market value of \$118,457 or \$55.69 per square foot of living area or \$59,229 per unit, 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 support of its contention of the correct assessment the board of review submitted information from the Elgin Township Assessor that described the subject property as having one 3-bedroom unit and one 2-bedroom unit. The assessor provided information on twenty sales of multi-family dwellings each with two units that sold from January 2010 to September 2013. These comparables sold for prices ranging from \$90,000 to \$160,000 or from \$45,000 to \$80,000 per unit. Using these sales the assessor calculated gross rent multipliers (GRM) ranging from 5 to 9, rounded.

The assessor also submitted a rental comparable chart using 19 comparables that had unit rents ranging from \$510 to \$1,275 per month. The assessor estimated the subject property would have an annual rent of \$21,000. Applying a GRM of 5.75 resulted in an estimated value of \$120,750. The assessor argued that the subject's assessment reflects a market value consistent with the sales and the GRM calculation.

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.

The appellant provided evidence that the subject property was purchased in April 2013 out of foreclosure for a price of \$54,000 or \$27,000 per unit and \$25.38 per square foot of living area, including land. Although the parties to the transaction were not related and the property was exposed on the open market for 110 days, the Board finds the sales data provided by the board of

review calls into question whether the purchase price was indicative of fair cash value. The board of review submitted information on 20 comparable sales, however, comparables #12 through #20 sold most proximate in time to the assessment date from January 2012 to September 2013. These comparables were improved with two-story, two unit dwellings that ranged in size from 1,540 to 2,584 square feet of living area. The dwellings were constructed from 1880 to 1975. These comparables sold for prices ranging from \$99,900 to \$130,000 or from \$49,950 to \$65,000 per unit or from \$44.12 to \$71.43 per square foot of living area, including land. The subject's purchase price is significantly below these sales calling into question the validity of the sale as being representative of the property's fair cash value. The subject's assessment reflects a market value of \$118,457 or \$59,229 per unit or \$55.69 per square foot of living area, land included, which is supported by the sales provided by the board of review that occurred most proximate in time to the assessment date at issue.

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



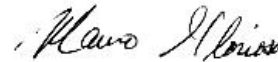
Member



Member



Member



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: March 18, 2016



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.