



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

APPELLANT: David Lockhart  
DOCKET NO.: 13-02368.001-R-1  
PARCEL NO.: 15-26-231-017

The parties of record before the Property Tax Appeal Board are David Lockhart, 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:** \$1,547  
**IMPR.:** \$16,141  
**TOTAL:** \$17,688

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) contesting 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 is improved with a one-story dwelling of frame construction with 800 square feet of living area on a slab foundation. The dwelling was constructed in 1959. Features of the property also include a 280 square foot detached garage. The property is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant indicated the subject property was purchased in November 2010 for a price of \$34,501. In further support of the overvaluation argument the appellant submitted information on eight comparable sales improved with one-story dwellings that ranged in size from 680 to 1,079 square feet of living area. The dwellings were constructed from 1902 to 1966. Four comparables had basements, two comparables had central air conditioning and four comparables had detached 1-car or 2-car garages. The comparables sold from January 2012 to May 2013 for prices ranging from \$15,400 to \$25,000 or from \$20.83 to \$31.57 per square foot of living area, including land. The appellant submitted a copies of the Multiple Listing Service (MLS) listing sheets for the comparables which disclosed that five of the comparables were described as "REO/Lender Owned, Pre-Foreclosure", and two comparables were described as "short sales." Additionally, seven of the comparables were described as being sold "as-is" and seven of the comparables were on the market from 1 to 40 days. Based on this evidence the appellant requested the subject's assessment be reduced to \$7,333.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$17,688. The subject's assessment reflects a market value of \$53,101 or \$66.38 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 support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor. The comparables were improved with one-story dwellings with aluminum siding exteriors that ranged in size from 696 to 858 square feet of living area. The dwellings were constructed from 1927 to 1954. Three of the comparables had basements, two comparables had central air conditioning and four of the comparables had an attached and a detached garage ranging in size from 252 to 456 square feet of building area. The comparables sold from July 2011 to June 2012 for prices ranging from \$69,000 to \$93,000 or from \$99.14 to \$117.42 per square feet of living area, including land.

#### **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 part of the overvaluation argument the appellant indicated the subject property was purchased in November 2010 for a price of \$34,501. The Board gives this evidence no weight as it relates to establishing the market value of the subject property as of January 1, 2013 as the sale occurred more than two years prior to the assessment date at issue. Furthermore, the record contains comparable sales provided by the parties that occurred more proximate in time to the assessment date that are more probative evidence of market value as of January 1, 2013.

The record contains information on thirteen sales provided by the parties to support their respective positions. The record showed that seven of the appellants' comparables were sold by a bank, were in pre-foreclosure or were short sales. 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 these sales in revising and

correcting the subject's assessment. However, the Board further finds the MLS listings for the appellant's comparables described seven of the properties being sold "as-is" and/or needing some work, calling into question the condition of the homes. As a final point the MLS listing sheets indicated that five of the sales were on the market from 1 to 13 days, calling into question the adequacy of the exposure on the open market. These comparables sold for prices ranging from \$15,400 to \$25,000 or from \$20.83 to \$31.57 per square foot of living area, including land.

The record also contains five sales provided by the board of review that were relatively similar to the subject that sold for prices ranging from \$69,000 to \$93,000 or from \$99.14 to \$117.42 per square feet of living area, including land.

The subject's assessment reflects a market value of \$53,101 or \$66.38 per square foot of living area, including land, which is within the range established by the comparable sales in this record. Considering both the appellant's sales and the sales provided by the board of review, the Property Tax Appeal 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 Alvino*

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Member

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Member

*JR*

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Member

\_\_\_\_\_  
Acting Member

*Robert Hoffmann*

\_\_\_\_\_  
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: February 19, 2016

*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.