



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

APPELLANT: Adam, Wieslaw & Malgorzata Skrzyniarz
DOCKET NO.: 13-02371.001-R-1
PARCEL NO.: 06-35-477-002

The parties of record before the Property Tax Appeal Board are Adam, Wieslaw & Malgorzata Skrzyniarz, the appellants, 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 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: \$21,413
IMPR.: \$40,747
TOTAL: \$62,160

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 is improved with a part 1-story and part 2-story single family dwelling of frame and brick construction with 2,511 square feet of living area. The dwelling was constructed in 2006. Features of the home include a basement, central air conditioning, a fireplace and a two-car attached garage with 670 square feet of building area. The property has

a 12,447 square foot site and is located in Elgin, South Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on August 14, 2012 for a price of \$186,500. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the seller was Nationstar Mortgage LLC and the parties to the transaction were not related. The appellants indicated the property was sold using a Realtor and it had been advertised in the Multiple Listing Service (MLS) for 78 days. To document the sale the appellants submitted a copy of the settlement statement and a copy of the MLS listing sheet for the subject property. The listing sheet described the subject property as needing work and further indicated the property was REO/Lender owned, Pre-Foreclosure. Also enclosed was a copy of the Listing & Property History Report for the subject property disclosing the property was originally listed for sale on May 26, 2011 and cancelled on July 13, 2011; listed again on July 29, 2011 and cancelled on January 31, 2012; and listed again on March 24, 2012 and sold in August 2012. Based on this evidence, the appellants 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 \$72,855. The subject's assessment reflects a market value of \$218,718 or \$87.10 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 provided by the Elgin Township Assessor which included information on three comparable sales. The comparables were improved with part one-story and part two-story dwellings that ranged in size from 2,544 to 3,240 square feet of living area. The dwellings were constructed from 2005 to 2006. Each comparable has a basement with one having finished area, central air conditioning, one fireplace and an attached garage ranging in size from 636 to 713 square feet of building area. The comparables sold from September 2011 to November 2012 for prices ranging from \$239,000 to \$285,000 or from \$84.98 to \$93.95 per square foot of living area, including land. The assessor indicated the subject's assessment reflects a market value within the range established by the sales.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in August 2012 for a price of \$186,500. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants 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 78 days. However, the Listing & Property History Report disclosed the property had been marketed since May 2011. Additionally, the listing indicated that the property was in need of work, which would have some impact on the purchase price. In further support of the transaction the appellants submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. The Board finds the sales provided by the board of review do not refute the fact the property was involved in a transaction involving unrelated parties after been marketed for an extended period of time. Based on this record the Board finds a 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



Member



Member



Acting 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: February 19, 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.