



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

APPELLANT: Paula Marshall & Earl Burney
DOCKET NO.: 13-02373.001-R-1
PARCEL NO.: 06-30-227-014

The parties of record before the Property Tax Appeal Board are Paula Marshall and Earl Burney, 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: \$18,023
IMPR.: \$49,644
TOTAL: \$67,667

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) 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 two-story dwelling of frame construction with 2,436 square feet of living area. The dwelling was constructed in 1972. Features of the home include a basement, central air conditioning, one fireplace and a two-car garage with 462 square feet of building area. The property has a .51 acre site and is located in Elgin, 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 20, 2012 for a price of \$203,000. The appellants identified the sellers as Michael and Tiffany Richardson and indicated the parties to the transaction

were not related. The appellants indicated the property was sold through a Realtor and was advertised for 75 days in the Multiple Listing Service (MLS). To document the sale the appellants submitted a copy of the settlement statement, a copy of the MLS listing sheet for the subject property and a copy of the Listing & Property History Report. The listing sheet identified the transaction as being a "short sale." Furthermore, the Listing and History Report indicated the subject property was listed for sale in August 2013 for a price of \$350,000 with the price being reduced in September 2013 to \$340,000. 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 \$79,941. The subject's assessment reflects a market value of \$239,991 or \$98.52 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 township assessor. The assessor noted the subject property was currently listed for a price of \$279,500. To support this statement the assessor provided a copy of the MLS listing sheet indicating the property was listed on March 16, 2014 for a price of \$279,500. The listing indicated the property had been on the market for 100 days with an original list price of \$294,900. Also included with the submission was a copy of another MLS listing sheet indicating the subject property was listed for sale on August 14, 2013 for a price of \$315,000. This listing indicated the property had been on the market for 58 days with an original list price of \$350,000.

To support the assessment the board of review also submitted information on six sales identified by the assessor that were improved with two-story dwellings that ranged in size from 2,296 to 2,596 square feet of living area. The dwellings were constructed from 1978 to 2003. Each comparable had a basement with three being finished, each comparable had central air conditioning, five comparables had fireplaces and each comparable had a garage that ranged in size from 420 to 809 square feet of building area. The comparables had sites ranging in size from .64 to 1.56 acres. The sales occurred from December 2011 to September 2013 for prices ranging from \$250,000 to \$301,000 or from \$107.07 to \$126.52 per square foot of living area, including land.

In rebuttal the appellants submitted a grid analysis indicating the board of review comparables were located from 1.25 miles to 4.16 miles from the subject property. The appellants' counsel also asserted that with the exception of board of review comparable #2 the comparables had premium lots which back up to open space, vacant land, farm land or nature trails.

The appellants also submitted another MLS listing sheet for the subject property disclosing the property was listed on September 8, 2014 for a price of \$274,700. The appellants' rebuttal evidence included a copy of the Listing and Property History Report for the subject property indicating the property was listed three times beginning on August 16, 2013 for a price of \$350,000; relisted on March 17, 2014 for a price of \$294,900; and relisted on September 8, 2014 for a price of \$274,700.

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 as of January 1, 2013 to be the purchase of the subject property in August 2012 for a price of \$203,000. 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 75 days. 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 of review did submit information on six comparable sales, however, five of the comparables were significantly newer than the subject dwelling being constructed from 1985 to 2003 and five of the comparables had larger sites than the subject property. The evidence in the record also disclosed the board of review comparables were located from 1.25 to 4.16 miles from the subject property. Based on these facts the Board finds the comparable sales do not refute the fact the subject property sold in a transaction involving unrelated parties after being on the market for 75 days. The record also included evidence disclosing the subject property was subsequently listed for sale beginning on August 16, 2013 for a price of \$350,000; relisted on March 17, 2014 for a price of \$294,900; and relisted on September 8, 2014 for a price of \$274,700. However, the fact remains the property had not sold as a result of these listings establishing an alternative indication of fair cash value. 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



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.