



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

APPELLANT: Mark Rockcastle  
DOCKET NO.: 13-02374.001-R-1  
PARCEL NO.: 06-24-226-014

The parties of record before the Property Tax Appeal Board are Mark Rockcastle, 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:** \$7,543  
**IMPR.:** \$23,560  
**TOTAL:** \$31,103

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 1.5-story and part 1-story dwelling of frame construction with 1,158 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full unfinished basement and an open frame porch. The property has a 7,420 square foot or .17 acre 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 19, 2012 for a price of \$27,461. The appellant completed Section IV - Recent Sale Data indicated the property was sold at auction at a Sheriff's Sale. The appellant also indicated the subject property was advertised via a sign, internet and/or auction. 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 \$31,103. The subject's assessment reflects a market value of \$93,374 or \$80.63 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 on four comparable sales. The comparables were improved with two 1.5-story dwellings, a part 1-story and part 1.5-story dwelling and one 1-story with finished attic dwelling that ranged in size from 1,080 to 1,320 square feet of living area. The dwellings were constructed from 1865 to 1950. Each comparable had a basement two of which were finished and three comparables had garages ranging in size from 240 to 400 square feet of building area. The comparables were located in Elgin and had sites ranging in size from .17 to .37 acres. The sales occurred from April 2010 to December 2011 for prices ranging from \$97,500 to \$114,900 or from \$87.05 to \$98.00 per square foot 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.

Although the sales are somewhat dated, the Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were relatively similar to the subject in style, construction, features, age and land area. The comparables sold for prices ranging from \$97,500 to \$114,900 or from \$87.05 to \$98.00 per square foot of living area, including land. The subject's assessment reflects a market value of \$93,374 or \$80.63 per square foot of living area, including land, which is below the range established by the comparable sales in this record. The Board gave little weight to the subject's sale due to the fact the appellant failed to establish that the purchase had the elements of an arm's length transaction especially in light of the fact the property sold at a Sheriff's Sale indicating this was not a transaction between a willing seller and a willing buyer but sold out of distress at a public auction. Additionally, the sale price of the subject property is significantly below the price of the comparable sales indicating the purchase price was not indicative of fair cash value. Based on this record the 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



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Member



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Member



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Acting Member



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Member

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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



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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.