



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

APPELLANT: David Lockhart  
DOCKET NO.: 13-02404.001-R-1  
PARCEL NO.: 09-11-352-003

The parties of record before the Property Tax Appeal Board are David Lockhart, the appellant, by Jerri K. Bush, Attorney at Law, 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:** \$19,996  
**IMPR.:** \$17,547  
**TOTAL:** \$37,543

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 one-story dwelling of frame construction with 1,020 square feet of living area. The dwelling was constructed in 1962. Features of the home include a concrete slab foundation, central air conditioning and a 420 square foot garage. The property has a 10,707 square foot site and is located in St. Charles, St. Charles 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 December 22, 2011 for a price of \$66,000. The appellant completed Section IV - Recent Sale Data of the appeal petition 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 for 26 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date; a copy of the Multiple Listing Service data sheet depicting that the property was an REO/Lender Owned, Pre-Foreclosure with cash financing; and a copy of the Listing & Property History Report depicting three listings. The property was listed on March 24, 2011 for 98 days with an asking price of \$110,000. Next the property was listed in October 2011 with an asking price of \$76,900 for 7 days at which time the property was again listed on October 22, 2011 with an asking price of \$75,900 before being sold. 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 \$37,543. The subject's assessment reflects a market value of \$112,708 or \$110.50 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 response to the appeal, the board of review submitted a memorandum and evidence prepared by Diane Hemmingsen, Chief Residential Deputy Assessor with the St. Charles Township Assessor's Office. The documentation was prepared in response to the appellant's evidence of comparable sales submitted before the Kane County Board of Review. The memorandum does not address the sale of the subject property; in the spreadsheet, the sale of the subject is described as "Special Warranty Deed; Not Arms-length."

In support of its contention of the correct assessment, the board of review through the township assessor submitted a spreadsheet with information on six one-story comparables. Three of the comparables are located in the subject's subdivision. The comparables have parcels ranging in size from 8,050 to 25,000 square feet of land area. Each is improved with

a one-story frame dwelling that was built between 1935 and 1970. The dwellings range in size from 720 to 1,014 square feet of living area. Two of the homes have basements, one of which has finished area. Three of the comparables have central air conditioning and five comparables have a garage ranging in size from 336 to 612 square feet of building area. These six comparables sold from August 2011 to August 2012 for prices ranging from \$108,700 to \$155,000 or from \$113.23 to \$152.86 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant noted the error in the board of review's submission citing to comparable sales evidence that was not presented in this de novo appeal before the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.50(a)). Counsel for the appellant reiterated that the basis of this appeal was the recent sale of the subject property and contended that the subject's purchase was an arm's length transaction in light of applicable case law. Furthermore, counsel argued that the arm's length sale has not been adequately disputed by the board of review. Lastly, since the board of review submitted three comparable sales that occurred in 2011, appellant argued that the subject's sale in 2011 should likewise be deemed to be a recent sale indicative of market value.

#### **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 parties submitted a total of seven sales to support their respective positions before the Property Tax Appeal Board, including the sale of the subject property. The appellant contended that the sale of the subject reflects market value as the sale has the elements of an arm's length transaction as it was sold between unrelated parties, was advertised and exposed on the open market. Moreover, there was no evidence that the

transaction was not made between a willing seller and a willing buyer. Since the sale occurred in December 2011, the Property Tax Appeal Board finds that the sale of the subject property did not occur sufficiently proximate in time to the assessment date at issue of January 1, 2013 in order to be considered a dispositive for the purposes of this 2013 assessment appeal. The Board will analyze the sale of the subject along with other recent comparable sales evidence presented in the record by the board of review.

The Property Tax Appeal Board has given reduced weight to board of review comparables #5 and #6 as these dwellings differ substantially in age when compared to the subject dwelling. The Board has also given reduced weight to board of review comparables #3 and #6 as each of these homes have a basement which is not a feature of the subject dwelling.

Board of review comparable sales #1, #2 and #4 have parcels that range in land area from 8,050 to 18,000 square feet. Each parcel is improved with a one-story frame dwelling that was built in 1953 or 1959. The homes contain either 960 or 1,014 square feet of living area with a slab or crawl-space foundation. One comparable has central air conditioning and each has a garage ranging in size from 336 to 528 square feet of building area. These three comparables that are most similar to the subject sold between August 2011 and August 2012 for prices ranging from \$110,000 to \$155,000 or from \$114.58 to \$152.86 per square foot of living area, including land. The subject property sold in December 2011 for \$66,000 or \$75.00 per square foot of living area.

Given the three most similar comparables and the sale of the subject property in the same time period, the Property Tax Appeal Board finds that the sale of the subject property does not mimic the pattern of comparable sales in the same time period for properties with a similar land size, design, age, foundation and/or features. The Board finds from this analysis of similar area sales that the sale of the subject property does not appear to be a true reflection of market value.

The subject property's assessment reflects a market value of \$112,708 or \$110.50 per square foot of living area, including land. The three most similar comparable sales presented by the board of review sold for prices ranging from \$110,000 to \$155,000 or from \$114.58 to \$152.86 per square foot of living area, including land. The highest sale price was for board of review comparable #4 which has a larger land area of 18,000

square feet which may explain its higher overall price and higher price per square foot. The subject dwelling features central air conditioning which is not a feature of either board of review comparable #1 or #2, each of which is slightly smaller than the subject dwelling, and which sold in August 2011 and August 2012 for prices of \$114.58 and \$125.00 per square foot of living area, including land. Since the subject has an assessment that reflects a market value of \$110.50 per square foot of living area which is lower than the range of the most similar comparables on this record, in light of the foregoing analysis, the Property Tax Appeal Board finds the appellant has failed to establish by a preponderance of the evidence that the subject property is overvalued and no reduction in the subject's assessment is warranted.

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

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Acting Member

*Robert Hoffmann*

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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

*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.