



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

APPELLANT: David Lockhart
DOCKET NO.: 13-02420.001-R-1
PARCEL NO.: 07-31-150-004

The parties of record before the Property Tax Appeal Board are David Lockhart, the appellant,¹ and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$13,284
IMPR.: \$16,713
TOTAL: \$29,997

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 1.5-story dwelling of frame construction with 1,368 square feet of living area. The dwelling was constructed in 1900. Features of the home include a partial unfinished basement and a 576 square foot garage. The property has a 13,500 square foot site and is located in Maple Park, Virgil Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant reported a recent sale of the subject and submitted information on six comparable sales.

As to the sale of the subject, in Section IV – Recent Sale Data the appellant reported a purchase on April 27, 2011 for a price of \$55,000. The appellant reported the property was sold by PNC through a realtor, the parties to the transaction were not related and the property was advertised

¹ Attorney Jerri K. Bush withdrew her appearance as counsel for the appellant by a filing dated March 16, 2016.

with the Multiple Listing Service for 1 month before being sold. In support of this contention, the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date along with a copy of the Multiple Listing Service data sheet reflecting an original asking price of \$79,900 in March 2011 which also indicated the property was Pre-Foreclosure and in need of a little TLC.

The six comparable sales were located within .8 of a mile of the subject property and consist of a 1.5-story and five, two-story frame dwellings, most of which were over 100 years old. The homes range in size from 949 to 2,136 square feet of living area. Each comparable has a full or partial basement; two comparables have central air conditioning; and four comparables have a one-car or a two-car garage. The properties sold between April 2012 and June 2013 for prices ranging from \$16,600 to \$65,000 or from \$13.70 to \$62.17 per square foot of living area, including land.

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 \$29,997. The subject's assessment reflects a market value of \$90,054 or \$65.83 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 data prepared by the Virgil Township Assessor's Office. The assessor contended that the sale of the subject and the six comparables presented by the appellant were not what the assessor would consider as "arm's length sales" as estate or bank owned real estate sales.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located within .3 of a mile of the subject. The comparables consist of a part 1.5-story and part one-story and two, part two-story and part one-story frame dwellings built in 1906 or 1910. The homes range in size from 1,226 to 1,568 square feet of living area. Each comparable has a partial basement; one comparable has a fireplace; and each has a garage. The properties sold between April 2013 and October 2013 for prices ranging from \$100,000 to \$110,000 or from \$70.15 to \$88.90 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, former counsel for the appellant argued that foreclosure sales are to be considered as set forth in the Property Tax Code when those properties are similar to the subject. As to the appellant's comparable that was an estate sale, the appellant reported the property was on the market for 263 days prior to its sale. As to the board of review comparables, former counsel submitted printouts from Redfin with various notations related to descriptions of parking spaces in the garage and a decorating allowance along with the number of bathrooms.

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 Board has given little weight to the April 2011 sale of the subject property for \$55,000 as the Board finds that the sale of the subject occurred more than 1 ½ years prior to the assessment date at issue of January 1, 2013 and thus is unlikely to be indicative of the subject's estimated market value as of the assessment date. In addition, the record was not clear how long the subject property had been offered on the open market which raises questions concerning the arm's length nature of the sale transaction and the fact that the property was sold due to foreclosure further adds questions regarding the voluntary nature of the sale transaction by the sellers.

The parties also submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #3, #5 and #6 given the differences in dwelling size when compared to the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #4 along with the board of review comparable sales. These six most similar comparables sold between June 2012 and October 2013 for prices ranging from \$16,600 to \$110,000 or from \$13.70 to \$88.90 per square foot of living area, including land. The subject's assessment reflects a market value of \$90,054 or \$65.83 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence 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.



Chairman



Member

Member



Member

Member

DISSENTING: _____

CERTIFICATION

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: June 24, 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.