



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

APPELLANT: Francisco & Maria Monarrez
DOCKET NO.: 13-02565.001-R-1
PARCEL NO.: 15-09-354-015

The parties of record before the Property Tax Appeal Board are Francisco & Maria Monarrez, the appellants,¹ 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: \$6,190
IMPR.: \$25,474
TOTAL: \$31,664

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 consists of a split-level dwelling of frame construction with 2,100 square feet of living area. The dwelling was constructed in 1966. Features of the home include central air conditioning and a detached 480 square foot garage. The property is located in Aurora, Aurora Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants presented a recent sale of the subject along with information on five comparable sales.

¹ By a filing dated March 16, 2016, Attorney Jerri K. Bush withdrew as counsel of record for the appellants.

The appellants completed Section IV-Recent Sale Data of the appeal petition reporting the subject was purchased in June 2010 for \$68,500 from Housing and Urban Development. The parties to the transaction were not related, the property was sold through a Realtor after a marketing time of 159 days with the Multiple Listing Service. A copy of the Settlement Statement reiterated the purchase price and date and a copy of the Multiple Listing Service data sheet depicted the property was sold as-is with an original asking price of \$138,000. The remarks on the property included "evidence of possible mold; repair walls; replace floor covering and interior doors."

The comparable sales are located from .9 to 4.4-miles from the subject property. The comparables consist of a raised ranch and four, split-level frame, brick or brick and frame dwellings that range in size from 1,613 to 2,100 square feet of living area. Three comparables are reported to have full or partial basements, two of which have finished area. Two of the comparables have central air conditioning and four comparables have two-car garages. The properties sold between February 2012 and February 2013 for prices ranging from \$54,199 to \$68,500 or from \$25.81 to \$40.42 per square foot of living area, including land.

Based on this evidence, the appellants requested a total assessment of \$22,831 which would reflect a market value of approximately \$68,493 or \$32.62 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,664. The subject's assessment reflects a market value of \$95,059 or \$45.27 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 data gathered by the township assessor. The documentation includes a statement that the appellants' comparables were all bank foreclosures.²

In support of its contention of the correct assessment the board of review submitted information on five comparable sales of split-level frame dwellings that were built between 1962 and 1966. The homes range in size from 1,886 to 2,352 square feet of living area. Four of the comparables have central air conditioning and two comparables each have a fireplace. Each comparable has a garage ranging in size from 440 to 567 square feet of building area. The comparables sold between November

² A purported grid of the appellants' comparables submitted by the board of review contains five properties, two of which were presented as appellants' comparables #1 and #3. The remaining properties were not presented by the appellants to the Property Tax Appeal Board.

2010 and September 2012 for prices ranging from \$120,000 to \$143,000 or from \$54.42 to \$75.82 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 appellants argued that the board of review failed to identify the proximity of their comparable properties to the subject. Furthermore, to the extent that the board of review provided evidence of equity comparables, counsel argued that such evidence is not responsive to the overvaluation argument of this appeal.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board has given little weight to the purchase price of the subject property and to board of review comparables #4 and #5 as each of these sales occurred in 2010 or 2011, dates more remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value.

As to the assertion that the appellants' comparable sales were foreclosure sales, the Property Tax Appeal Board takes judicial notice of Section 1-23 of the Code which defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments,

including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider the appellants' proposed comparables in revising and correcting the subject's assessment. While comparables may have been sold in "as-is" condition, the subject reportedly had condition issues at the time of sale that were not refuted by the board of review in response to the appeal.

The Board finds the best evidence of market value to be appellants' comparable sales and board of review comparable sales #1, #2 and #3. These most similar comparables sold between February 2012 and February 2013 for prices ranging from \$54,199 to \$143,000 or from \$25.81 to \$75.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$95,059 or \$45.27 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.

Mario Albino

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.