



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

APPELLANT: David Lockhart
DOCKET NO.: 13-02584.001-R-1
PARCEL NO.: 06-13-429-032

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: \$8,065
IMPR.: \$27,972
TOTAL: \$36,037

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 1,332 square feet of living area. The dwelling was constructed in 1930. Features of the home include a full basement, a fireplace and a detached 240 square foot garage. The property has a 12,150 square foot site and is located in Elgin, Elgin Township, Kane County.

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

As to the purchase of the property, the appellant completed Section IV - Recent Sale Data of the appeal petition reporting that the subject property was purchased on July 1, 2010 for a price of \$57,000. The appellant disclosed the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple

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

Listing Service for 336 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date which also disclosed the payment of brokers' fees; a copy of the Multiple Listing Service data sheet depicting that the property was a short sale with cash financing; and a copy of the Listing & Property History Report depicting a listing commencing in June 2009 with an asking price of \$129,900 followed by three asking price reductions to a final asking price of \$84,000.

The appellant also marked comparable sales as a basis of the appeal. Attached to the appeal petition in support of this argument was a grid analysis with limited information on six comparable sales. The comparables consist of 1.5-story frame or brick dwellings. Two homes contain 1,200 and 1,465 square feet of living area; no information concerning the size of four homes was presented. Each home has a full or partial basement, one of which has finished area. One comparable has central air conditioning and four comparables have one-car or two-car garages. The properties sold between January 2012 and December 2012 for prices ranging from \$21,000 to \$38,000.

Based on the foregoing 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 \$36,037. The subject's assessment reflects a market value of \$108,187 or \$81.22 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 reported that the subject "is currently on the market for \$134,500 and a loan was taken out on the property on 01/21/2011 for \$67,200." A copy of the listing was included depicting the property was placed on the market on October 15, 2014. As to the comparable sales presented by the appellant, the board of review noted that properties were short sales, "cash sales" and/or sold in "as-is" condition.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales. The comparables consist of a part one-story and part 1.5-story, two, one-story with finished attics and four, 1.5-story frame dwellings. The homes were built between 1865 and 1950 and range in size from 1,080 to 1,509 square feet of living area. Each comparable has a basement, four of which have finished areas. One comparable has a fireplace and five comparables have a garage. The properties sold between April 2010 and January 2012 for prices ranging from \$97,500 to \$126,500 or from \$84 to \$99 per square foot of living area, including land, rounded.

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

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 July 2010 sale of the subject property and board of review comparables #2, #3, #5 and #6 as these properties all sold in either 2010 or earlier in 2011, dates more remote in time to the assessment date and thus less likely to be indicative of the subject's estimated market value as of January 1, 2013. The Board has also given reduced weight to appellant's comparables #2, #3, #4 and #6 as the appellant provided no dwelling sizes for these comparables for purposes of analysis of similarity to the subject property.

The Board finds the best evidence of market value to be appellant comparables #1 and #5 along with board of review comparables #1 and #4. These most similar comparables sold between December 2011 and June 2012 for prices ranging from \$21,000 to \$126,500 or from \$17.50 to \$92.59 per square foot of living area, including land. The subject's assessment reflects a market value of \$108,187 or \$81.22 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.