



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

APPELLANT: Efrain Jacobo  
DOCKET NO.: 13-02641.001-R-1  
PARCEL NO.: 06-12-361-003

The parties of record before the Property Tax Appeal Board are Efrain Jacobo, the appellant, 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:** \$6,694  
**IMPR.:** \$28,502  
**TOTAL:** \$35,196

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 two-story multi-family dwelling of frame construction with 2,436 square feet of building area. The building has two-apartments and was constructed in 1900. Features include a full basement and a detached 1,216 square foot garage. The property 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 three comparable sales located within .3 of a mile of the subject. The comparables consist of two-story frame buildings that were 98 to 125 years old. The buildings range in size from 1,772 to 2,562 square feet of building area and feature basements

with finished area and garages ranging in size from 380 to 735 square feet of building area. The properties sold between February and March 2013 for prices ranging from \$54,000 to \$86,000 or from \$30.47 to \$33.57 per square foot of building area, including land.

The appellant's submission included the Multiple Listing Service data sheets for two of the comparables. Comparable #1 had a list price of \$59,900 and sold for \$65,000 after being on the market for 21 days; the property was sold as-is. Comparable #2 sold for its asking price of \$54,000 after being on the market for 80 days; the property was sold as-is.

Based on this evidence, the appellant requested a total assessment of \$23,331 which would reflect a market value of approximately \$69,993 or \$28.73 per square foot of building area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,196. The subject's assessment reflects a market value of \$105,662 or \$52,831 per apartment unit, 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 Elgin Township Assessor's Office. The assessor contended that appellant's comparable sales were foreclosures and/or short sales that were contracted for from 15 to 80 days after being placed on the market. The properties sold for cash and two were in as-is condition.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on 20 comparable sales. The comparable sales consist of two-story, two-unit or three-unit buildings that range in size from 1,722 to 2,584 square feet of building area. The buildings were constructed between 1880 and 1975. Each comparable has a basement. One of the comparables does not have a garage; each of the remaining comparables has a garage ranging in size from 160 to 1,632 square feet of building area, one of which is reported to be "unusable." The properties sold between January 2010 and September 2013 for prices ranging from \$90,000 to \$160,000 or from \$42,667 to \$80,000 per apartment unit, including land.

Based on this evidence, 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.

As to the board of review's contention that the appellant's comparable sales were foreclosure and short sale properties, 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 appellant's comparable sales in revising and correcting the subject's assessment.

The parties submitted a total of 24 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #1 through #11 as these sales occurred in 2010 and 2011, dates more remote in time to the valuation date of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value. The Board has also given reduced weight to board of review comparables #12, #15, #19 and #20 due to differences in age, size and/or number of apartment units when compared to the subject property.

The Board finds the best evidence of market value to be appellant's comparable sales and board of review comparable sales #13, #14, #16, #17 and #18. These eight most similar comparables sold between February 2012 and June 2013 for prices ranging from \$54,000 to \$130,000, including land. The subject's assessment reflects a market value of \$105,662 or \$52,831 per apartment unit, including land, which is within the range established by the best comparable sales in this record. Based on this evidence

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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. Hestel*

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.