



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

APPELLANT: Golden Hwang
DOCKET NO.: 13-04846.001-R-1
PARCEL NO.: 15-27-227-017

The parties of record before the Property Tax Appeal Board are Golden Hwang, 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 **A Reduction** 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: \$2,515
IMPR.: \$12,550
TOTAL: \$15,065

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2012 decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 part two-story and part one-story multi-family dwelling of frame construction with 2,200 square feet of living area. The dwelling was constructed in 1914. Features of the property include a full unfinished basement. The property has a 4,792 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant reported the recent purchase of the subject property and submitted information on five 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 December 29, 2009 for a price of \$58,000. The appellant disclosed the parties to the transaction were not related, the

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

property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service for 76 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date and a copy of the Multiple Listing Service data sheet depicting that the property was sold "as-is" for cash financing with a marketing time of 76 days.

The appellant also marked comparable sales as a basis of the appeal with information on five comparable sales located within .87 of a mile of the subject. The comparables consist of part two-story and part one-story frame dwellings that range in size from 1,832 to 2,371 square feet of living area. Each comparable has a full or partial basement and four comparables have a garage ranging in size from 324 to 810 square feet of building area. The properties sold between July 2012 and December 2013 for prices ranging from \$34,000 to \$45,000 or from \$15.22 to \$22.67 per square foot of living area, including land.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment to reflect a market value of \$45,200.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$29,951. The subject's assessment reflects a market value of \$89,916 or \$40.87 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 acknowledged that the subject property was the subject matter of a decision of the Property Tax Appeal Board the prior year. In light of this, the board of review proposed to stipulate for 2013 based on the prior year's decision, subject to an equalization factor of 1.0316 in accordance with Section 16-185 of the Property Tax Code (35 ILCS 200/16-185). Therefore, the board of review proposed a higher land assessment of \$2,603 and a reduced improvement assessment of \$18,029 for a total assessment of \$20,632 reflecting the prior 2012 Property Tax Appeal Board decision of \$20,000 with an equalization factor of 1.0316.

The board of review presented no other evidence to support the assessment of the subject property.

The appellant was informed of the proposed assessment reduction and rejected the offer. The appellant requested that the matter be decided upon the evidence of record.

Conclusion of Law

Initially, as to the board of review's proposal to carry the subject's 2012 assessment determination by the Property Tax Appeal Board forward to 2013, subject to an equalization factor of 1.0316, the Board finds that Section 16-185 of the Property Tax Code is not applicable to this property. (35 ILCS 200/16-185). There is nothing in the record to indicate that the subject property is an owner-occupied dwelling as required by the referenced provision. Therefore, the Property Tax Appeal Board concludes that Section 16-185 of the Property Tax

Code regarding carrying the prior year assessment reduction forward, subject to equalization, is not applicable to this appeal.

For this appeal, 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 met this burden of proof and a reduction in the subject's assessment is warranted.

As to the reported sale of the subject property, the Property Tax Appeal Board has given this sale price little weight in its analysis as the sale occurred more than 3 years prior to the assessment date at issue of January 1, 2013, a date too remote in time to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the only other evidence of market value in the record to be appellant's comparable sales. These similar comparables sold between July 2012 and December 2013 for prices ranging from \$34,000 to \$45,000 or from \$15.22 to \$22.67 per square foot of living area, including land. The subject's assessment reflects a market value of \$89,916 or \$40.87 per square foot of living area, including land, which is above the range established by the only other comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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.



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: May 20, 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.