



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

APPELLANT: Tim Ramseyer
DOCKET NO.: 13-04889.001-R-1
PARCEL NO.: 06-13-208-008

The parties of record before the Property Tax Appeal Board are Tim Ramseyer, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, 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: \$8,793
IMPR: \$2,379
TOTAL: \$11,172**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a favorable 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 one-story frame dwelling that has 1,193 square feet of living area. The dwelling was constructed in 1900. The home has a full unfinished basement and a 440 square foot detached garage. The subject property has a 9,928 square foot lot and is located in Elgin, Elgin Township, Kane County.¹

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information pertaining to the subject's recent sale price. The appellant's

¹ The descriptive data came in part from Section III of the Residential Appeal petition and in part from the prior 2012 decision of the Property Tax Appeal Board.

appeal petition indicated the subject property sold in January 2012 for \$33,500. The appellant reported the property was sold by a Realtor in a transaction between unrelated parties after being listed on the market for 36 days with the Multiple Listing Service and the property was sold in settlement of a foreclosure.

The appellant also submitted a copy of the Settlement Statement reiterating the purchase date and price which also indicated payment of broker fees to two companies. A copy of the Multiple Listing Service (MLS) data sheet was submitted noting the property was so "as is" for cash only and an "REO - needs rehab but great potential." A copy of the Listing & Property History Reported depicted that the property was listed in October 2011 with an asking price of \$39,900 and was reduced to \$35,000 on November 14, 2011 before it ultimately sold.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,708. The subject's assessment reflects an estimated market value of \$107,199 or \$89.86 per square foot of living area, including land, when applying the 2013 three year 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 the subject is not an owner occupied dwelling, the subject is a rental property and sales indicate the subject is being properly assessed. Attached to the "Board of Review Notes on Appeal" were three separate, multi-page grid analyses of two-story, two-unit apartment buildings. The data in the grids reflected sales that occurred between 2009 and 2014. The grid for the period of 2009 - 2012 identifies a column for "subject" which is not the subject property for this appeal by its parcel identification number, address or descriptive information.

Based on the foregoing evidence with sales of two-story, two-unit apartment buildings, 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 *met/did not meet* this burden of proof and a reduction in the subject's assessment *is/is not* warranted.

The Board has given no weight to the comparable sales data presented by the board of review. The Board finds the suggested two-story, two-unit comparable properties are dissimilar to the subject dwelling that is a one-story dwelling of 1,193 square feet of living area.

The Board finds the best evidence of market value in this record is the subject's sale price in January 2012 for \$33,500. The subject dwelling was described as "needs rehab" and "sold as is", which suggests it was in poor condition. The Board finds the subject's sale appears to meet the fundamental elements of an arm's-length transaction. The subject's assessment reflects an estimated market value of \$107,199, which is considerably more than the subject's recent sale price. The board of review did not present any evidence that would demonstrate the subject's sale was not an arm's-length transaction. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale of two parties dealing at arm's-length is not only relevant to the question of fair cash value but is practically conclusive on the issue of whether an assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

The Board further finds on this record that the submission of dissimilar comparable sales by board of review does not overcome the subject's arm's-length sale price as provided by the aforementioned controlling Illinois case law.

Based on this analysis, the Board finds the subject property is overvalued and 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.

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.