



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

APPELLANT: Gustavo Yanez  
DOCKET NO.: 13-04892.001-R-1  
PARCEL NO.: 15-23-376-013

The parties of record before the Property Tax Appeal Board are Gustavo Yanez, 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: \$2,156  
IMPR: \$8,152  
TOTAL: \$10,308**

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 is improved with a one-story dwelling of frame construction with 804 square feet of living area. The dwelling was constructed in 1923. Features of the home include a full unfinished basement of 804 square feet. The property has a 7,405 square foot site<sup>1</sup> 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 submitted information on six comparable sales located from .07 to .98 of a mile from

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<sup>1</sup> The lot size was adopted from the prior year's decision that was attached to the appellant's appeal petition.

the subject. The comparables consist of one-story frame dwellings that were built between 1915 and 1929. The homes range in size from 688 to 864 square feet of living area. Five of the comparables have basements ranging in size from 672 to 864 square feet of building area and one of the comparables has a 360 square foot detached garage. These properties sold between April 2012 and August 2013 for prices ranging from \$22,000 to \$40,000 or from \$26.83 to \$47.39 per square foot of living area, including land.

The analysis included Property Equalization Values (adjustments) to the comparables for sale date, land,<sup>2</sup> age, square footage, basement size and/or garage. No evidence or explanation pertaining to the calculation of the adjustment amounts was provided. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$30,927 or a total assessment of \$10,308. At the bottom of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,104. The subject's assessment reflects a market value of \$57,352 or \$71.33 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 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. Therefore, the board of review proposed a higher land assessment of \$2,440 and a reduced improvement assessment of \$14,169 for a total assessment of \$16,609 reflecting the prior 2012 Property Tax Appeal Board decision of \$16,100 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**

As to the board of review's proposal to carry the subject's 2012 assessment determination by the Property Tax Appeal Board forward

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<sup>2</sup> Lot size was not reported for any of the comparable properties.

to 2013, subject to an equalization factor of 1.0316, the Board finds that Section 16-185 of the Property Tax Code does not appear to be 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 of the Property Tax Code. Therefore, the Property Tax Appeal Board concludes that Section 16-185 regarding carrying the prior year assessment reduction forward, subject to equalization, does not appear to be applicable based on this record.

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.

The appellant submitted a total of six comparable sales to support a reduction in the subject's assessment. The Board has given reduced weight to appellant's comparable sales #4 and #6. Comparable #4 is substantially smaller than the subject and comparable #6 has a 360 square foot garage which is not a feature of the subject property.

The Board finds the best evidence of market value in the record to be appellant's comparable sales #1, #2, #3 and #5. These four comparables were built between 1915 and 1923, the homes range in size from 704 to 864 square feet of living area and three of the comparables have full basements ranging in size from 704 to 864 square feet of building area. These properties sold between April 2012 and December 2012 for prices ranging from \$22,000 to \$30,199 or from \$26.83 to \$38.35 per square foot of living area, including land. The subject's assessment reflects a market value of \$57,352 or \$71.33 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellant's request is 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. Hertel*

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.