



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

APPELLANT: Edward Zwicky
DOCKET NO.: 13-04900.001-R-1
PARCEL NO.: 06-24-255-025

The parties of record before the Property Tax Appeal Board are Edward Zwicky, 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 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: \$6,358
IMPR.: \$26,968
TOTAL: \$33,326

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 two-story frame dwelling that has 1,548 square feet of living area. The two unit multi-family dwelling was constructed in 1914. Features include a basement and a 576 square foot detached garage. The subject property is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal presenting both a recent sale of the subject and comparable sales to support a reduction in the subject's assessment.

As to the recent sale, the appellant completed Section IV - Recent Sale Data of the appeal petition reporting the subject property was purchased on May 25, 2011 for a price of \$53,250.

The appellant reported the seller was "HUD" [Housing & Urban Development], the property was sold by a Realtor, the parties to the transaction were not related and the property was advertised for 19 days with the Multiple Listing Service. To further support the sale price, a copy of the Settlement Statement reiterating the sale date and price as submitted along with a copy of the Multiple Listing Service data sheet. The listing indicated the property was sold "as-is" and was an REO/Lender Owned, Pre-Foreclosure. A copy of the Listing & Property History Report depicts the property was listed on March 17, 2011 with an asking price of \$35,000.

The appellant also submitted information on five comparable sales located from .18 to 1.49-miles from the subject. The comparables were improved with two-story, two-unit buildings that ranged in size from 1,512 to 1,774 square feet of living area. The buildings were constructed from 1889 to 1929. Each comparable had a basement ranging in size from 514 to 887 square feet of building area. Three of the comparables have detached garages ranging in size from 400 to 672 square feet of building area. The sales occurred from February 2012 to October 2012 for prices ranging from \$44,000 to \$60,000 or from \$26.44 to \$36.31 per square foot of building area, or from \$22,000 to \$30,000 per apartment unit, including land. The analysis included Property Equalization Values (adjustments) to the comparables for sale date, land,¹ age, square footage, basement size, baths and/or garage area. 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 \$48,377 or a total assessment of \$16,124. 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 \$33,326. The subject's assessment reflects a market value of \$100,048 or \$64.63 per square foot of building area, or \$50,024 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 contended that the subject was not an owner-occupied building and recent area sales show the subject property is properly assessed. The board of review submitted three separate grid analyses.

First, in a two-page grid, the board of review presented a "2009-2012 GIM Table/Sales Comparables" consisting of 14 sales of two-unit buildings that range in size from 1,119 to 2,528 square feet

¹ Lot size was not reported for any of the comparable properties.

of building area. The buildings were constructed between 1883 and 1968. Each comparable has a basement, two of which are finished. Thirteen of the comparables have a garage ranging in size from 160 to 837 square feet of building area and one of which is reported to be "unusable." These 14 properties sold between May 2009 and January 2012 for prices ranging from \$90,000 to \$220,000 or from \$45,000 to \$110,000 per apartment unit, including land.

Second, in a three-page grid, the board of review presented a "2010-2013 Sale Chart" consisting of 20 sales of two-unit or three-unit buildings that range in size from 1,540 to 2,584 square feet of building area. The buildings were constructed between 1880 and 1975. Each comparable has a basement and 19 have a garage ranging in size from 160 to 1,632 square feet of building area, one of which is reported to be "unusable." These 20 properties sold between January 2010 and September 2013 for prices ranging from \$90,000 to \$133,000 or from \$45,000 to \$80,000 per apartment unit, including land.

Third, in a three-page grid, the board of review presented a "2011-2014 Sales Chart" consisting of 18 sales of two-unit or three-unit buildings that range in size from 1,540 to 2,584 square feet of building area. The buildings were constructed between 1880 and 1975. Each comparable has a basement and 17 have a garage ranging in size from 160 to 1,632 square feet of building area, one of which is reported to be "unusable." These 18 properties sold between March 2011 and April 2014 for prices ranging from \$99,900 to \$137,000 or from \$45,667 to \$66,250 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 an initial matter, the Property Tax Appeal Board has given reduced weight to the reported sale of the subject property. The sale occurred in May 2011, a date some 19 months prior to the assessment date at issue of January 1, 2013. The Property Tax Appeal Board finds the sale date is more remote in time to the valuation date of January 1, 2013 than the sales comparables presented by the parties.

The Property Tax Appeal Board recognizes that there are numerous repetitions of property sales across the three respective grids presented by the board of review. But for sale #14 that occurred in January 2012, the Board gives little weight to the remaining 13 sales presented in the "2009-2012 GIM Table/Sales Comparables" grid due to the dates of sale occurring remote in time from the valuation date at issue of January 1, 2013. Likewise, the Board has given little weight to sales #1 through #11 in the "2010-2013 Sale Chart" for the same reason that these sales occurred in 2010 and 2011, dates more remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. Furthermore the Property Tax Appeal Board finds that the more recent sales of comparables, #12 through #20 set forth in the "2010-2013 Sale Chart" are also identically set forth in the "2011-2014 Sales Chart" as comparables #7 through #15. Therefore, for ease of reference in the remainder of this decision, the Board will only examine the board of review's "2011-2014 Sales Chart" and discuss the comparable properties presented in that analysis.

As to the "2011-2014 Sales Chart" presented by the board of review, the Board has given reduced weight to sales #1 through #6 and sales #17 and #18 as these sales occurred most remote in time to the valuation date at issue of January 1, 2013. In addition, board of review comparable #18 is a three-unit building which is dissimilar to the subject. The Board has also given reduced weight to board of review comparable sales #10, #14 and #15 due to each of these buildings being approximately 1,000 square feet larger in building area and differing substantially in age when compared to the subject.

The Board finds the best evidence of market value to be appellant's comparable sales along with board of review comparable sales #7, #8, #9, #11, #12, #13 and #16. The comparable properties have varying degrees of similarity to the subject, but each is a two-story, two-unit apartment building ranging in building size from 1,512 to 2,278 square feet. These most similar comparables sold between January 2012 and October 2013 for prices ranging from \$44,000 to \$130,000 or from \$22,000 to \$62,500 per apartment unit, including land. The subject's assessment reflects a market value of \$100,048 or \$50,024 per apartment unit, including land, which is within the range established by the best comparable sales in this record and appears to be justified when giving due consideration to differences between the comparables and the subject such as age, size and/or garage size. 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.

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.