



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

APPELLANT: Jose A. Alvarez
DOCKET NO.: 13-04901.001-R-1
PARCEL NO.: 06-24-402-006

The parties of record before the Property Tax Appeal Board are Jose A. Alvarez, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago,¹ 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: \$6,003
IMPR.: \$10,402
TOTAL: \$16,405

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 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 dwelling of frame construction with 684 square feet of living area. The dwelling was constructed in 1879. Features of the home include a partial basement with finished area and a detached 480 square foot garage. The 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.

¹ Counsel withdrew as attorney of record by a filing made on March 16, 2016.

As to the recent sale, the appellant completed Section IV - Recent Sale Data of the appeal petition reporting the subject property was purchased on October 13, 2011 for a price of \$41,000. The appellant reported the seller was the "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 18 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 indicate 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 July 31, 2011 with an asking price of \$41,000 and was "pending" as of August 17, 2011.

The appellant also submitted information on four comparable sales located from .31 to 1.83-miles from the subject. The comparables were improved with one-story dwellings that ranged in size from 528 to 812 square feet of living area. The dwellings were constructed from 1880 to 1893. Each comparable had a basement ranging in size from 528 to 798 square feet of building area and along with a garage ranging in size from 216 to 400 square feet of building area. The sales occurred from July 2012 to March 2013 for prices ranging from \$31,000 to \$49,000 or from \$39.29 to \$71.97 per square foot of living area, including land. The analysis included Property Equalization Values (adjustments) to the comparables for sale date, land,² age, square footage, basement size 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 \$30,120 or a total assessment of \$10,039. 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 \$24,056. The subject's assessment reflects a market value of \$72,219 or \$105.58 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 reported that the subject was not owner occupied and there are comparable area sales indicating the property is properly assessed. In support of the subject's assessment, the board of review presented a grid analysis with five comparable sales, identified as #1, #2, #3, #5 and #6, that are located from .12 to 2.10-miles from the subject

² Lot size was not reported for any of the comparable properties.

property. The comparables consist of one-story frame or brick dwellings that were built between 1900 and 1955. The homes range in size from 624 to 981 square feet of living area and feature full basements,³ one of which has finished area. Four of the comparables have central air conditioning and each has a garage ranging in size from 176 to 480 square feet of building area. The properties sold between May and October 2013 for prices ranging from \$87,500 to \$138,000 or from \$114.38 to \$168.43 per square foot of living area, 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 met this burden of proof and a reduction in the subject's assessment is 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 October 2011, a date some 14 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 parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable sales #3, #5 and #6 as these dwellings were newer, of brick construction and/or differed substantially in size from the subject dwelling.

The Board finds the best evidence of market value in the record to be the appellant's comparable sales along with board of review comparables #1 and #2. These six comparables were built between 1880 and 1920, the homes range in size from 1,320 to 1,624 and have basements ranging in size from 528 to 812 square feet of building area. Each comparable has a basement and one comparable has central air conditioning. Each the properties have a garage ranging in size from of 176 and 400 square feet of building area. These properties sold between July 2012 and October 2013, dates more proximate in time to the valuation date of January 1, 2013, for prices ranging from \$32,500 to \$92,000 or from \$39.29 to \$125.68 per square foot of living area, including land. The

³ Comparable #1 has a reported basement area of 855 square feet which is larger than its above-grade living area of 765 square feet.

subject's assessment reflects a market value of \$72,219 or \$105.58 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears to be excessive when giving due consideration to the subject's age, dwelling size partial basement, larger garage and lack of air conditioning. 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 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. 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.