



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

APPELLANT: Wendy Racine
DOCKET NO.: 14-00009.001-R-1
PARCEL NO.: 15-23-156-017

The parties of record before the Property Tax Appeal Board are Wendy Racine, the appellant, by attorney Jerri K. Bush 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: \$3,362
IMPR.: \$22,635
TOTAL: \$25,997

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2013 decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2014 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 dwelling of frame construction with 2,942 square feet of living area. The dwelling was constructed in 1904. Features of the home include a basement and a 552 square foot garage. The property 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 completed Section IV - Recent Sale Data and also submitted information on five comparable sales located within .56 of a mile from the subject property.

In support of the argument concerning the purchase price, the appellant reported that the subject property was purchased on February 15, 2011 for a price of \$78,000 or \$26.51 per square foot of living area, including land. The appellant indicated the parties to the transaction were not related, the subject property was sold through a Realtor and the property was advertised on the open market through the Multiple Listing Service. A copy of the Multiple Listing data sheet was provided that indicated the property was on the market for 43 days with an original asking price of \$79,800. A copy of the Settlement Statement also disclosed the sales price of \$78,000 and depicts that brokers' fees were paid.

The comparable sales consist of part two-story and part one-story frame dwellings that were built in 1900 or 1909. The dwellings range in size from 2,307 to 2,840 square feet of living area. Each comparable has a basement and four of the comparables have a detached garage of 400 or 440 square feet of building area. These comparables sold between December 2012 and November 2013 for prices ranging from \$17,500 to \$64,400 or from \$7.17 to \$25.95 per square foot of living area, including land.

Based on this evidence, the appellant requested an assessment of \$25,997 which would reflect a market value of approximately \$78,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,645. The subject's assessment reflects a market value of \$109,946 or \$37.37 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

The board of review offered to reduce the subject's assessment based on a decision issued by the Property Tax Appeal Board under Docket No. 13-00066.001-R-1 where the subject's assessment was reduced to \$26,819 based on an agreement of the parties along with application of the 2014 factor. The board of review further indicated that for the 2014 tax year there was an equalization factor of 1.0465 applied to the assessments of non-farm properties located in Aurora Township. Based on this

record the board of review agreed to stipulate to a total revised assessment of \$31,435.

The appellant was notified of the proposed revised assessment and rejected the offer.

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.

The Property Tax Appeal Board has given reduced weight to the sale of the subject property which occurred in February 2011, approximately 35 months prior to the assessment date at issue of January 1, 2014. The date of sale is remote from the assessment date at issue and thus, less likely to be indicative of the subject's estimated market value.

The Board has also given reduced weight to appellant's sale #3 which appears to be an outlier and much lower than other comparable properties presented by the appellant. The Board finds the best evidence of market value to be appellant's comparable sales #1, #2, #4 and #5. These five comparable were similar in location, age, size and features to the subject property. These most similar comparables sold between January and November 2013 for prices ranging from \$47,000 to \$64,400 or from \$20.37 to \$25.95 per square foot of living area, including land. The subject's assessment reflects a market value of \$109,946 or \$37.37 per square foot of living area, including land, which is above the range established by the best 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 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.

Chairman



Member



Member

Member



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: May 22, 2015



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.