



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

APPELLANT: Ana Sorto
DOCKET NO.: 14-00816.001-R-1
PARCEL NO.: 06-14-330-015

The parties of record before the Property Tax Appeal Board are Ana Sorto, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry, and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$9,184
IMPR.: \$32,220
TOTAL: \$41,404

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) 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 is improved with a two-story multi-family dwelling of brick construction with 2,016 square feet of living area. The building was constructed in 1958. Features of the building include two apartments each with 1,008 square feet of living area, a full basement and a two-car garage located in the basement. One of the apartments has three bedrooms and the second apartment has two bedrooms. The property has a site with approximately 6,420 square feet of land area and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$100,000 as of January 1, 2013. In estimating the market value the appraiser developed the income approach to value and the sales comparison approach to value.

Under the income approach to value the appraiser identified three rental comparables each improved with two apartments. According to the appraisal the comparables sold from June 2012 to November 2012 for prices ranging from \$100,000 to \$101,000 and had gross rents ranging from \$1,750 to \$2,000 per month resulting in gross rent multipliers ranging from 50.25 to 57.71. The appraiser estimated the subject property had a market rent of \$2,075 per month and a gross rent multiplier of 53.00 resulting in an estimated value of \$109,975.

Under the sales comparison approach the appraiser used three comparable sales that ranged in size from 1,812 to 2,520 square feet of living area and each had two apartments. The buildings ranged in age from 36 to 60 years old. The comparables sold from July 2012 to November 2012 for prices ranging from \$99,900 to \$120,000 or from \$39.64 to \$63.58 per square foot of building area; \$49,950 to \$60,000 per unit; from \$9,600 to \$12,000 per room; and from \$24,000 to \$28,800 per bedroom. The appraiser also indicated the comparables had monthly gross rents ranging from \$2,825 to \$3,075 and gross rent multipliers ranging from 35.36 to 39.05. Using this data the appraiser estimated the subject had an estimated value of: \$50 per square foot of building area or \$100,800; \$50,000 per unit or \$100,000; \$10,000 per room or \$90,000; and \$22,000 per bedroom or \$110,000. The appraiser concluded the subject had an estimated value under the sales comparison approach of \$100,000.

In reconciling the two approaches to value the appraiser gave most credence to the sales comparison approach and estimated the subject property had a market value of \$100,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$33,330.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,404. The subject's assessment reflects a market value of \$124,374 or \$61.69 per square foot of building area or \$62,187 per unit, land included, when using the 2014 three year average median level of assessment for Kane County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information provided by the township assessor. In rebuttal the assessor asserted that the appellant's appraiser used all foreclosure sales and two of the comparables were duplexes while the subject has two apartments.

In support of the assessment the assessor provided a chart containing six "2 & 3 Unit" sales that occurred from June 2013 through April 2014. The comparables sold for prices ranging from \$125,000 to \$137,000 or from \$45,667 to \$66,250 per unit. The assessor also provided a chart containing 23 rental comparables and a chart exhibiting GRM data. Additionally, as part of the submission, the assessor estimated the subject had a yearly rent of \$23,700. Applying a gross income multiplier of 6 resulted in an estimated value of \$142,200 or \$71,100 per unit.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted rebuttal evidence noting under Docket No. 13-01374.001-R-1 the Property Tax Appeal Board rendered a decision on the subject property reducing the total

assessment to \$40,000. As to the evidence filed in this appeal, counsel argued that contrary to the board of review's assertion, the "duplexes" did not involve multiple parcel numbers such that like the subject, the single parcel number has two separate units. Additionally, the appellant's appraiser stated in the appraisal report that "85.5% of all sales of two to four units in [the] Elgin market area in 2012 were reported as being REO/for, short sales, or court approved sales." The appellant's attorney also noted that adjustments should be made to the comparable sales presented by the board of review based upon data drawn from the Multiple Listing Service data sheets of those sales. Counsel argued these sales had superior attributes when compared to the subject property such as central air conditioning and/or recent rehab or remodeling. Additionally, comparable #6 presented by the board of review was a three-flat and supports a reduction in 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 evidence in the record does not support a reduction in the subject's assessment.

The Board finds the best evidence of market value to be the comparable sales #1 through #5 submitted by the board of review. These comparables were improved with two-story two-unit apartment buildings that sold from June 2013 to April 2014 for prices ranging from \$125,000 to \$132,500 or from \$62,500 to \$66,250 per unit. The comparable that appeared to be most similar to the subject in style and age was board of review sale #2 that sold in August 2013 for a price of \$125,000 or \$62,500 per unit, which is slightly above the market value reflected by the subject's assessment of \$124,374 or \$62,187 per unit.

The Property Tax Appeal Board further finds the appraised value presented by the appellant, which resulted in a market value estimate of \$100,000 or \$50,000 per unit, appears low with reference to the best sales presented by the board of review. The Board also gave less weight to sale #6 presented by the board of review as this sale was of a three-unit building which results in a lower price per unit. Based on this evidence, giving most weight to the aforementioned sales submitted by the board of review and less weight to the appellant's appraisal, the Board finds a reduction in the subject's assessment is not 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.



Chairman



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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:

August 19, 2016



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.