



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

APPELLANT: Ken Buckman
DOCKET NO.: 14-01197.001-R-1
PARCEL NO.: 02-11-351-053

The parties of record before the Property Tax Appeal Board are Ken Buckman, the appellant, by attorney Michael Elliott of Elliott & Associates, P.C., in Des Plaines; and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 5,254
IMPR.: \$29,012
TOTAL: \$34,266

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kendall 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 consists of a two-story townhome of brick and frame exterior construction that has 1,656 square feet of living area. The dwelling was built in 2006. Features include central air conditioning and a partial finished lower level which includes a 400 square foot integrated garage. The subject property is located in Bristol Township, Kendall County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property. The appraisal was prepared for loan collateral assessment purposes. The appraiser developed the sales comparison approach to value. The appraiser utilized five comparable sales located from .06 to 4.35 miles from the subject. The comparables had varying degrees of similarity when compared to the subject. They sold from July 2011 to January 2012 for prices ranging from \$72,750 to \$116,500 or from \$49.76 to \$74.06 per square foot of living

area. The appraiser adjusted the comparables for differences when compared to the subject in arriving at an opinion of market value of \$93,000 or \$56.16 per square foot as of living area as of February 17, 2012. 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" wherein the subject property's final assessment of \$34,266 was disclosed. The subject's assessment reflects an estimated market value of \$102,747 or \$62.05 per square foot of living area when applying Kendall County's 2014 three-year average median level of assessment of 33.35%. In support of the subject's assessment, the board of review submitted four comparable sales located in close proximity to the subject. The comparables consist of two-story townhomes of brick and frame exterior construction that were 7 or 8 years old. Features were similar when compared to the subject. Each dwelling has 1,656 square feet of living area like the subject. They sold from May 2013 to September 2014 for prices ranging from \$105,000 to \$128,900 or from \$63.41 to \$77.84 per square foot of living area.

With respect to the appellant's evidence, the board of review argued the appraisal submitted by the appellant had an effective valuation date of February 2012, which would not be relevant to a 2014 valuation. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant objected to comparables #3 and #4 because the transactions occurred after the effective lien date of January 1, 2014. The appellant argued the comparable sales submitted by the board of review are "raw, unadjusted" and no documentary evidence such as MLS listing sheets or closing statements was submitted to verify the transactions. Finally, the appellant contends comparables #1, #3 and #4 were not arm's-length transactions since they were bank owned.

In response to the rebuttal, the board of review pointed out it submitted property record cards and Real Estate Transfer Declarations for each comparable property. The board of review also cited People ex rel. Rosewell v. Lakeview Limited Partnership, 120 Ill.App.3d 369, 458 N.E.2d 121 (1st Dist. 1983) for the general proposition of allowing assessment officials to consider events that occur after the January 1 lien date. The board of review argued section 16-183 of the Property Tax Code (35 ILCS 200/16-183) requires the Property Tax Appeal Board to consider compulsory sales of comparable properties for purposes of revising and correcting assessments.

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.

The appellant submitted an appraisal estimating a market value of \$93,000 as of February 17, 2012. The Board gave less weight to this evidence due to the fact the effective date of the

appraisal is not proximate in time in relation to the subject's January 1, 2014 assessment date. Additionally, four of the five comparables contained in the appraisal sold in 2011, over two years prior to the subject's January 1, 2014 assessment date. Two comparables used by the appraiser were located 4.23 and 4.358 miles from the subject, which is not in close proximity to the subject.

The board of review submitted four comparable sales to support the subject's estimated market value as reflected by its assessment. The appellant objected to comparables #3 and #4 because the transactions occurred after the effective lien date of January 1, 2014. The Property Tax Appeal Board hereby overrules the appellant's objection. In People ex rel. Rosewell v. Lakeview Limited Partnership, 120 Ill.App.3d 369, 458 N.E.2d 121 (1st Dist. 1983), the court recognized assessing officials are not barred, as a matter of law, from considering events which occurred after the lien date in assessing properties and subsequent events assessing officials may consider in any individual case will depend on the nature of the event and the weight to be given the event will depend upon its reliability in tending to show value as of January 1. The appellant also objected to board of review comparables #1, #3 and #4. The appellant contends these sales were not arm's-length transactions since they were bank owned. The Property Tax Appeal Board hereby overrules the appellant's objection. As pointed out by the board of review, section 16-183 of the Property Tax Code provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. (35 ILCS 200/16-183).

The comparables submitted by the board of review were similar when compared to the subject in location, design, age, size, features and sold more proximate in time to the subject's January 1, 2014 assessment date. They sold from May 2013 to September 2014 for prices ranging from \$105,000 to \$128,900 or from \$63.41 to \$77.84 per square foot of living area. The subject's assessment reflects an estimated market value \$102,747 or \$62.05 per square foot of living area, which falls below the range established by the most similar comparable sales contained in this record. After considering any necessary adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's assessed valuation is supported. Therefore, no 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.



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: _____

February 24, 2017



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.