



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

APPELLANT: Tirell, LLC
DOCKET NO.: 14-01346.001-R-1
PARCEL NO.: 15-25-429-016

The parties of record before the Property Tax Appeal Board are Tirell, LLC, the appellant, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; 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: \$7,326
IMPR.: \$50,211
TOTAL: \$57,537

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 consists of a part two-story and part one-story dwelling of frame exterior construction with 2,170 square feet of living area. The dwelling was constructed in 2004. Features of the home include a concrete slab foundation, central air conditioning and a two-car garage containing 460 square feet of building area. The property has a 7,405 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on October 10, 2012 for a price of \$135,000 or \$62.21 per square foot of living area, land included. The appellant disclosed the seller was Gilberto and Ismael Barrera, the parties were not related and the property sold through a Realtor. To document the purchase price, the appellant submitted a copy of the settlement statement and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$57,537. The subject's assessment reflects a market value of \$172,836 or \$79.65 per square foot of living area, 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. The assessor asserted that the subject's sale was a "short sale" and the subject property has been rehabbed since the purchase. The assessor also noted that the subject property is currently rented for \$1,699 per month. The assessor also submitted information on three comparable sales improved with part two-story and part one-story dwellings of frame exterior construction that range in size from 1,876 to 2,170 square feet of living area. The dwellings were constructed in 2003 and 2004. Two comparables have a partial basement. Each comparable has central air conditioning, one comparable has a fireplace and each comparable has an attached garage ranging in size from 420 to 460 square feet of building area. The comparables sold from May 2013 to October 2013 for prices ranging from \$191,000 to \$200,000 or from \$88.02 to \$106.61 per square foot of living area, land included.

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.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, dwelling size, construction and age. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$191,000 to \$200,000 or from \$88.02 to \$106.61 per square foot of living area, including land. The subject's assessment reflects a market value of \$172,836 or \$79.65 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue. Additionally, the subject sold for a price of \$135,000 or \$62.21 per square foot of living area, including land. The three comparable sales provided by the board of review had prices that were significantly above the subject's purchase price. This price differential tends to establish that the subject's purchase price was not reflective of fair cash value as of the assessment date at issue. The Board further finds the evidence disclosed the subject dwelling was renovated following the purchase, which indicates the subject dwelling was in superior condition as of the assessment date than at the time of the sale. Based on this record the Board finds the subject's assessment is reflective of market value and 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.



Chairman



Member



Member



Acting 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:

May 19, 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.