



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

APPELLANT: Daniel Chapman
DOCKET NO.: 14-02211.001-R-1
PARCEL NO.: 15-34-176-017

The parties of record before the Property Tax Appeal Board are Daniel Chapman, the appellant, and the Kane County Board of Review.

Based on the facts and exhibits presented, 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: \$4,297
IMPR.: \$10,368
TOTAL: \$14,665

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 one-story dwelling of frame construction with 852 square feet of living area. The dwelling was constructed in 1925. Features of the home include a partial basement, central air conditioning and a 362 square foot garage. The property has a 9,148 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal based upon a recent purchase price of the subject property and seven suggested comparable sales.

As to the recent purchase, the appellant submitted evidence in Section IV - Recent Sale Data of the appeal petition that the

subject property was purchased on June 14, 2011 for a price of \$24,500. The appellant disclosed the property was purchased from the Department of Housing and Urban Development, the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service for 106 days. In addition, the appellant reported the property was sold due to foreclosure and that \$250 was expended in renovations before the property was occupied as of June 29, 2011.

In further support of the sale transaction, the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date which also disclosed the payment of brokers' fees; a copy of the Sales Contract; and a copy of the Listing & Property History Report depicting a listing date of December 14, 2010 with an asking price of \$44,000, followed by an asking price reduction to \$26,400 established on March 30, 2011 before being sold.

As to the comparable sales, the appellant submitted information on seven comparable sales located within one mile of the subject property. The comparables consist of a two-story, a 1.5-story and five, one-story dwellings of frame or masonry construction. The comparables were built between 1900 and 1952 and range in size from 600 to 1,308 square feet of living area. Five of the comparables have a basement and four of the comparables have central air conditioning. Five comparables have a garage ranging in size from 216 to 480 square feet of building area. The properties sold between April 2011 and September 2012 for prices ranging from \$11,900 to \$23,000 or from \$9.92 to \$36.67 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$8,167 which would reflect a market value of approximately \$24,501.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$14,665. The subject's assessment reflects a market value of \$44,052 or \$51.70 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 response to the appeal, the board of review submitted data prepared by the township assessor. In a memorandum, the assessor remarked on appellant's comparables #1 through #12 as being not advertised, bank REO and/or short sales with one sale noted as a "good sale."¹

¹ As to the appellant presented only seven comparable sales to the Property Tax Appeal Board, the assessor's memorandum fails to identify the comparables by any identifying information such as address or parcel number and thus, no weight can be given to this submission as it may not refer to the properties before the Board in this appeal.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales. The comparables consist of a 1.5-story and two, one-story frame dwellings that were built in 1918 or 1929. The homes range in size from 785 to 1,627 square feet of living area and feature basements. Two of the comparables have central air conditioning and each has a garage of 240 or 308 square feet of building area. The properties sold in June 2011 or September 2013 for prices ranging from \$86,000 to \$125,000 or from \$62.69 to \$159.24 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As to the sale of the subject property, the Board finds that the sale of subject is dated in that it occurred a full two and a half years before the assessment date at issue of January 1, 2014. Furthermore, the evidence disclosed the subject property sold out of foreclosure which calls into question whether or not the purchase price is reflective of fair cash value. Therefore, the Board has given little weight to the purchase price of the subject property as there is no indication the sale price would be reflective of its estimated market value as of the assessment date at issue.

Similarly, the Board finds that both parties presented comparable sales that were all remote in time to the assessment date with the exception of board of review comparable #3. Moreover, the Board finds that little weight can be given to appellant's comparables #1, #2 and #5 through #7 due to differences in design, exterior construction, size and/or foundation. On this limited record, the Board finds the best evidence of market value to be appellant's comparable sales #3 and #4 along with board of review comparable sales #3. These three most similar comparables sold for prices ranging from \$18,000 to \$125,000 or from \$15.63 to \$159.24 per square foot of living area, including land. The subject's assessment reflects a market value of \$44,052 or \$51.70 per square foot of living area, including land, which is within the range established by the best comparable sales in this limited record.

In conclusion, the Board finds that the appellant failed to establish overvaluation by a preponderance of the evidence and therefore, the Board finds 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.

Mario Alvares

Chairman

DR

Member

Member

Robert Hoffmann

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 20, 2016

Alvares

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.