



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

APPELLANT: David Lockhart  
DOCKET NO.: 14-02321.001-R-1  
PARCEL NO.: 15-34-130-007

The parties of record before the Property Tax Appeal Board are David Lockhart, the appellant, by Jerri K. Bush, Attorney at Law, 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: \$3,608  
IMPR: \$19,797  
TOTAL: \$23,405**

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 1.5-story dwelling of frame and masonry construction with 1,463 square feet of living area. The dwelling was constructed in 1924. Features of the home include a full basement and a detached 252 square foot garage. The property has a 7,350 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 in March 2011 for a price of \$32,600. Additionally, the appellant submitted a grid analysis with information on three comparable sales plus the subject property. The comparables were located from .08 to .91 of a mile from the subject property. The comparables consist of 1.5-story frame dwellings that were built between 1907 and 1931. The dwellings range in size from 1,386 to 1,511 square feet of living area and feature basements, one of the comparables has a fireplace and each has a detached garage ranging in size from 216 to 576 square feet of building area. The properties sold between October 2012 and December 2013 for prices ranging from \$45,000 to \$50,000 or from \$29.78 to \$36.08 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment reflective of the subject's purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,542. The subject's assessment reflects a market value of \$76,634 or \$52.38 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

In response to the appeal, the board of review noted the subject property was not owner occupied and was used as rental property. Each of the appellant's comparable sales were noted as HUD or bank REO sales.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three equity comparables and on three comparable sales. The Property Tax Appeal Board will not further address the equity data that was submitted as this is not responsive to the appellant's overvaluation appeal.

As to the sales presented there is no information regarding proximity to the subject. The comparables consist of a part 1.5-story and part 1-story and two, 1.5-story dwellings of frame construction that were built in 1929 or 1931. The dwellings range in size from 1,050 to 1,627 square feet of living area. Each comparable has a basement, one comparable has a fireplace and each property has a garage ranging in size from 240 to 360 square feet of building area. The comparables sold between January 2011 and February 2013 for prices ranging from \$95,500

to \$125,000 or from \$62.69 to \$90.95 per square foot of living area, including land.

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

In written rebuttal in support of the recent sale of the subject property via Sheriff's Sale and in response to the contention the property was not advertised, the appellant now reports the applicable statutory provision that mandates publication in a local newspaper in the county (735 ILCS 5/15-1507). According to appellant's counsel such publication must occur at least three consecutive calendar weeks (Sunday through Saturday) once each week, with the first notice not more than 45 days prior to the sale and the last notice not less than 7 days prior to the sale.

#### **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 board of review/assessor noted the subject property sold as a Sheriff's sale and the appellant's comparables were foreclosure properties. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

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.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider the sale of the subject property and compulsory sales in revising and correcting the subject's assessment.

Considering the sale of the subject in March 2011 for \$32,600, the parties also submitted a total of six additional sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #3 which differs in design from the subject dwelling.

Therefore, the Board finds that consideration shall be given to both the sale of the subject, the appellant's three comparable sales and to board of review comparable sales #1 and #2 which were similar to the subject in style, construction, size, features and/or age. Giving consideration to all five sales, the Board finds that the subject and the best comparable properties sold between January 2011 and December 2013 for prices ranging from \$32,600 to \$125,000 or from \$22.28 to \$80.59 per square foot of living area, including land. The subject's assessment reflects a market value of \$76,634 or \$52.38 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears to be excessive when giving due consideration to adjustments and differences between the subject and the comparables.

Based on this record the Board finds the subject is overvalued and a reduction in the subject's assessment 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.

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Chairman



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Member



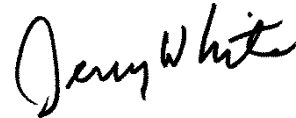
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DISSENTING: \_\_\_\_\_

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: December 18, 2015



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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.