



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

APPELLANT: David Lockhart
DOCKET NO.: 14-02332.001-R-1
PARCEL NO.: 03-14-205-021

The parties of record before the Property Tax Appeal Board are David Lockhart, the appellant,¹ 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: \$8,007
IMPR.: \$14,125
TOTAL: \$22,132

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 single-family dwelling of frame construction with 960 square feet of living area. The dwelling was constructed in 1957. Features of the home include central air conditioning and a detached 280 square foot garage. The property has a 7,405 square foot site and is located in Carpentersville, Dundee Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant reported both the recent purchase of the property and provided comparable sales data.

As to the purchase, the appellant disclosed the subject property was purchased on March 1, 2012 for a price of \$36,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold at a "judicial sale" by auction and the property had been advertised "as required by statute." In further support of

¹ Attorney Jerri K. Bush withdrew her appearance as counsel for the appellant by a filing dated March 16, 2016.

the transaction the appellant submitted a copy of the Certificate of Sale, the Sheriff's Report of Sale and Distribution and the PTAX-203 Illinois Real Estate Transfer Declaration.

As to the comparable sales, the appellant submitted information on nine sales comparables located within .4 of a mile of the subject. The properties were improved with one-story frame dwellings. Eight of the comparables were built between 1957 and 1977; no age was reported for comparable #9. The comparables range in size from 900 to 1,322 square feet of living area. Five of the comparables have central air conditioning, one has a fireplace and six have a garage. The sales occurred from January 2012 to August 2013 for prices ranging from \$35,200 to \$52,000 or from \$38.58 to \$52.00 per square foot of living area, including land.

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 \$22,132. The subject's assessment reflects a market value of \$66,482 or \$69.25 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 contended that the sale of the subject was "never advertised in the local MLS being a Sheriff's sale." The board of review also contended that the sale of the subject that occurred in 2012 was "dated" as "current sales in the neighborhood show the subject is being fairly assessed."

The board of review submitted a memorandum from the Dundee Township Assessor's Office along with data gathered by the assessor. In the memorandum, the assessor contended that all of the appellant's comparable sales were "Special Warranty/Government/Financial Institution/HUD sales. The assessor acknowledged that many foreclosures and short sales have occurred in the subject's neighborhood and "these sales have been taken into consideration in the current assessment."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on ten comparable sales; an attached map displayed that all but comparable #10 were in relatively close proximity to the subject property. The comparables consist of one-story frame dwellings that were built between 1955 and 1959. The homes range in size from 920 to 988 square feet of living area. Six of the comparables have central air conditioning and each has a garage. The properties sold between April 2013 and June 2014 for prices ranging from \$75,000 to \$136,500 or from \$78.13 to \$142.39 per square foot of living area, including land.

As additional evidence, the assessor presented a grid of "9 GRM comparables" located in the subject's neighborhood with an "average GRM" of 4.72 resulting in an estimated market value for the subject of \$67,968.

Based on the foregoing evidence and argument, 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.

The parties submitted a total of 19 comparable sales and the appellant reported the March 2012 sale of the subject to support the 2014 assessment of the subject property. The Property Tax Appeal Board has given reduced weight to the 2012 sales data presented such that less weight was given to the sale of the subject and appellant's comparables #1 through 5 and #7 since these sales were somewhat remote to the valuation date at issue of January 1, 2014. In addition, the Board has given reduced weight to appellant's comparable #8 as this dwelling is newer and much larger than the subject. The Board also gave reduced weight to board of review comparables #2, #5, #6 and #9 as these dwellings lack the central air conditioning feature which is an amenity of the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sales #6 and #9 along with board of review comparable sales #1, #3, #4, #7, #8 and #10. These most similar comparables sold between March 2013 and June 2014 for prices ranging from \$48,000 to \$136,500 or from \$48.78 to \$142.39 per square foot of living area, including land. The subject's assessment reflects a market value of \$66,482 or \$69.25 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence 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.



Chairman



Member

Member



Member

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: June 24, 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.