



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

APPELLANT: David Lockhart
DOCKET NO.: 14-02339.001-R-1
PARCEL NO.: 15-23-380-026

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 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: \$2,739
IMPR.: \$17,059
TOTAL: \$19,798

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 920 square feet of living area. The dwelling was constructed in 1904. Features of the home include a full basement and a detached 270 square foot garage. The property has an 8,712 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales located from .10 to .64 of a mile from the subject property. The comparables consist of one-story frame dwellings that were built in 1900 or 1902. The homes range in size from 830 to 1,042 square feet of living area and feature basements and garages ranging in size from 306 to 576 square feet of building area. The comparables sold between August 2012 and January 2014 for prices ranging from \$25,000 to \$35,000 or from \$29.31 to \$37.63 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$9,660 which would reflect a market value of approximately \$28,980 or \$31.50 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,798. The subject's assessment reflects a market value of \$59,400 or \$64.57 per square foot of living area, land included, when using the statutory level of assessment of 33.33%. (35 ILCS 200/1-55)

In response to the appeal, the board of review contended that the subject dwelling has been updated and the subject property currently rents for \$895 per month. Attached documentation concerning the rental reflects a date of February 2012. The board of review also contended that all of the sales presented by the appellant were tax sale; combined sale and bank sale; HUD sale; Estate sale; and Sheriff's Sale.

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

As to the sales data, the comparables consist of one-story frame dwellings that were built between 1900 and 1927. The dwellings range in size from 704 to 1,008 square feet of living area with basements. Three of the comparables have garages ranging in size from 440 to 576 square feet of building area. The comparables were sold between January 2011 and June 2013 for prices ranging from \$75,500 to \$120,000 or from \$75.96 to \$167.61 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, counsel for the appellant argued that the board of review failed to provide proximity evidence regarding the comparables when compared to the subject. Additionally, counsel argued that board of review sales #4 and #5 sold in 2011, dates more remote in time to the valuation date at issue of January 1, 2014. Appellant also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration concerning the appellant's comparable sale #1 which depicts that the property was advertised prior to the sale transaction.

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 ten comparable sales to support their respective positions before the Property Tax Appeal Board.

The board of review noted the appellant's comparables sold as foreclosures and similar transactions. 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 appropriate to consider foreclosure sales in revising and correcting the subject's assessment.

The Board has given little weight to board of review comparable sales #4 and #5 as the properties sold in 2011, dates more remote in time to the valuation date at issue of January 1, 2014 and thus less likely to be indicative of the subject's estimated market value.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparables #1, #2 and #3. These eight comparables had varying degrees of similarity when compared to the subject dwelling. These most similar comparables sold between April 2012 and January 2014 for prices ranging from \$25,000 to \$85,540 or from \$29.31 to \$99.00 per square foot of living area, including land. The subject's assessment reflects a market value of \$59,400 or \$64.57 per square foot of living area, including land, which is within the range established by the best and most recent comparable sales in this record. After considering adjustments and the differences in the most similar and best comparables when compared to the subject property, 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

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

Acting 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: December 18, 2015

A. Proctor

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.