



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

APPELLANT: Tree House Investments, LLC  
DOCKET NO.: 14-02341.001-R-1  
PARCEL NO.: 15-26-181-006

The parties of record before the Property Tax Appeal Board are Tree House Investments, LLC, the appellant,<sup>1</sup> and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$1,935  
**IMPR.:** \$7,231  
**TOTAL:** \$9,166

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 915 square feet of living area. The dwelling was constructed in 1952. Features of the home include a crawl-space foundation and a detached one-car garage. The property has a 4,792 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 April 11, 2013 for a price of \$27,500. The appellant disclosed the subject property was purchased from Bank of New York

---

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

Mellon out of foreclosure and the parties were not related. The appellant also indicated the property was sold through a Realtor, the property was listed in the Multiple Listing Service (MLS) and the property had been advertised for sale for 27 days. To document the sale the appellant submitted a copy of the Settlement Statement (HUD-1) which depicted the payment of brokers' fees to two entities, a copy of the MLS listing of the subject property which described the property as being available for cash financing sold as-is, and a mostly illegible copy of the Listing & Property History Report. The legible portion of the listing report reflects the April 2014 sale price of \$27,500.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the April 2013 purchase price of \$27,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$17,355. The subject's assessment reflects a market value of \$52,133 or \$56.98 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.

The board of review requested an increase in the assessment of the subject property, submitted data on the December 2014 sale of the subject after rehabilitation and submitted information on three equity comparables along with three comparable sales.

As to the subsequent sale of the subject, the board of review reported that the subject property "recently sold" for \$92,500 on December 19, 2014. As described in an MLS listing sheet, the subject property was recently rehabilitated with "amazing finishes and attention to detail in every room . . . [f]rom the stainless steel appliances and new wood floors throughout, to the new furnace with central air" and "a complete bathroom update . . . new light fixtures, new doors, exterior siding and gutters." No other documentation of this sale beyond the MLS listing sheet was submitted.

The comparable sales presented by the board of review consist of a one-story and two, 1.5-story frame dwellings that were built between 1927 and 1952. The homes range in size from 1,020 to 1,272 square feet of living area. Each home features a basement ranging in size from 720 to 848 square feet of building area. One comparable has central air conditioning and one comparable has a fireplace. Each comparable has a garage ranging in size from 308 to 400 square feet of building area. These three comparables sold between December 2011 and October 2013 for prices ranging from \$72,000 to \$109,000 or from \$66.67 to \$106.86 per square foot of living area, including land.

Based on the foregoing evidence of the December 2014 sale of the subject, the board of review requested an increase in the assessment of the subject property to reflect its "current condition and sale."

In written rebuttal, former counsel for the appellant reiterated that the appeal was based upon the arm's length sale of the subject property that occurred in April 2014 between unrelated parties after the property had been on the market for 27 days. Noting that the board of review did not provide evidence disputing the arm's length sale and citing case law, counsel contends the

subject's April 2014 sale for \$27,500 is the best indication of value of the subject property as of the assessment date of January 1, 2014. It was further asserted that "the December 2014 sale should not be considered indicative of market value for the January 1, 2014 lien date."

Additionally, it was argued that the board of review did not provide proximity information as to its suggested comparable sales and the equity comparables are not responsive to the appellant's market value argument.

### **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 Property Tax Appeal Board gave greatest weight to the subject's April 2014 sale price of \$27,500 as this sale occurred a mere four months after the valuation date at issue of January 1, 2014. In contrast, the Property Tax Appeal Board finds the subsequent sale price of \$92,500 presented by the board of review that occurred in December 2014 does not reflect the condition of the subject property as of the January 1, 2014 assessment date that is at issue in this appeal. The Board further finds the record is unrefuted that the subject dwelling was updated through extensive remodeling and the installation of stainless steel appliances after its April 2014 purchase; those alterations, however, do not alter the condition of the subject property as of the valuation date or lien date of January 1, 2014.

Therefore, on this record, the Property Tax Appeal Board finds the best evidence of market value as of January 1, 2014 to be the purchase of the subject property in April, 2014 for a price of \$27,500, despite the extensive rehabilitation of the property that occurred later in 2014. The appellant provided evidence demonstrating the April 2014 sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 27 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement. The Board finds the purchase price of \$27,500 is below the market value reflected by the assessment of \$52,133.

The Board further finds the board of review did not present any evidence to challenge the arm's length nature of the April 2014 sale transaction or to refute the contention that the April 2014 purchase price was reflective of market value given the condition of the property at the time of the sale. As to the comparable sales submitted by the board of review, comparables #2 and #3 differed in design from the subject and comparable #3 sold in 2011, a date more remote in time to the valuation date at issue. Each of these comparable sales is also superior to the subject by having a basement whereas the subject has a crawl-space foundation. More importantly, the Board finds these comparable sales with varying degrees of similarity to the subject do not

overcome the apparent arm's length sale transaction of the subject property presented by the appellant.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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



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: January 27, 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.