



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

APPELLANT: Stark Properties
DOCKET NO.: 14-02343.001-R-1
PARCEL NO.: 06-26-329-034

The parties of record before the Property Tax Appeal Board are Stark Properties, 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:	\$8,420
IMPR.:	\$23,391
TOTAL:	\$31,811

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 1,140 square feet of living area. The dwelling was constructed in 1945. Features of the home include a crawl-space foundation and an attached 280 square foot garage. The property has an 8,000 square foot site and is located in South Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on six comparable sales located in Elgin or South Elgin and which were within 1.68-miles from the subject property. The comparables consist of one-story dwellings there were built between 1919 and 1954. The homes range in size from 972 to 1,245

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

square feet of living area. Three of the comparables have full or partial basements. Two of the comparable have a fireplace and two of the comparables have central air conditioning. Five of the comparables have a garage ranging in size from 240 to 704 square feet of building area. The properties sold between June 2012 and January 2014 for prices ranging from \$33,000 to \$65,000 or from \$30.50 to \$56.58 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$16,886 which would reflect a market value of approximately \$50,658 or \$44.44 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 \$31,811. The subject's assessment reflects a market value of \$95,557 or \$83.82 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 a memorandum and data prepared by the Elgin Township Assessors' Office. The assessor presented an argument criticizing the appellant's presentation of five comparable sales and provided a copy of the purported evidence submitted by the appellant. The assessor's document presenting comparable sales depicts appellant's comparables #1, #2, #3 and #4, but does not reflect the evidence presented by the appellant before the Property Tax Appeal Board. As part of the memorandum, the assessor discussed a property which was not presented by the appellant before the Property Tax Appeal Board.

As to appellant's comparables #1, #2 and #4, the assessor noted these properties were located in Elgin and asserted that the "City of Elgin has a different market than the Village of South Elgin." The assessor further contended that South Elgin has little turnover in terms of sales and is a stable market as compared to the City of Elgin. In addition, the sales were Sheriff Deed/auction or foreclosure/cash sales.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales "located within the Village of South Elgin" and in close proximity to the Fox River as is the subject. The comparables consist of one-story frame dwellings that were built between 1940 and 1975. The homes range in size from 1,008 to 1,160 square feet of living area. Two of the comparables have crawl-space foundations, one comparable has a fireplace and each comparable has a garage ranging in size from 336 to 624 square feet of building area. Comparable #2 reportedly has a 33,939 square foot parcel as compared to the subject and comparables #1 and #3 which are similarly sized parcels. The properties sold between April 2012 and October 2013 for prices ranging from \$115,000 to \$125,405 or from \$108 to \$119 per square foot of living area, including land, rounded. The data further depicted comparable #3 sold by Special Warranty Deed as a foreclosure with 18 days on the market as-is for cash.

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

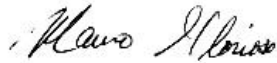
Conclusion of Law

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 nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #3, #4 and #6 as each of these homes have basements which is not a feature of the subject dwelling. The Board has also given reduced weight to board of review comparable #2 due this property's much larger land area and sale date in April 2012 which is more remote in time to the valuation date at issue of January 1, 2014. Additionally, little weight has been given to board of review comparable #3 as this dwelling was much newer than the subject having been built in 1975.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #5 along with board of review comparable sale #1. These most similar comparables sold between July 2013 and January 2014 for prices ranging from \$45,100 to \$125,405 or from \$41.38 to \$108.11 per square foot of living area, including land. The subject's assessment reflects a market value of \$95,557 or \$83.82 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. After considering adjustments and the differences in these most similar comparables when compared to the subject property, the Board finds the subject's improvement assessment is supported. 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



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: October 21, 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.