



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

APPELLANT: David Lockhart
DOCKET NO.: 14-02346.001-R-1
PARCEL NO.: 15-26-182-013

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: \$1,861
IMPR.: \$13,964
TOTAL: \$15,825

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 720 square feet of living area. The dwelling was constructed in 1952. Features of the home include a concrete slab foundation, central air conditioning and a detached 240 square foot garage. The property has a 3,866 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 a limited market analysis prepared by ProTaxAppeal that was dated February 26, 2015. The report was not signed nor were the credentials of the person(s) who prepared the report disclosed. The analysis was comprised of five suggested comparable sales of one-story frame dwellings located within .94 of a mile from the subject. The analysis did not disclose the subject or comparables' land size. The dwellings were built between 1943 and 1954. The homes range in size from 616 to 816 square feet of building area. Two comparables have

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

basements and one comparable has central air conditioning. Four of the comparables have a garage. The properties sold from February 2012 to September 2014 for prices ranging from \$10,000 to \$35,000 or from \$13.37 to \$43.83 per square foot of living area, including land. The analysis included adjustments to the comparables for sale date, land, age, size, basement area, air conditioning and/or garage space. At the end of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted.

Based on the comparables' adjusted sale prices, the appellant requested the subject's assessment be reduced to reflect a market value of \$21,815 or an assessment of \$7,271.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$15,825. The subject's assessment reflects a market value of \$47,537 or \$66.02 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 reported that the subject property has been remodeled and is a rental property. A copy of a rental listing was attached reflecting these assertions. A memorandum from the township assessor summarily asserted that the appellant's comparable sales #1 through #5 were a short sale; "buyer real estate inv. trust"; HUD sale; and not advertised for sale, property had fire damage in 2013; a grid purported to reiterate the appellant's comparables, but only reflected appellant's comparables #1, #2, #3 and #4 as presented to the Property Tax Appeal Board.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales. The comparables consist of a 1.5-story and two, one-story frame dwellings that were built between 1931 and 1952. The homes range in size from 875 to 1,080 square feet of living area and feature basements. Two of the comparables have central air conditioning and one has a fireplace. Each property has a garage. The comparables sold between December 2011 and October 2013 for prices ranging from \$49,000 to \$109,000 or from \$56.00 to \$106.86 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, former counsel for the appellant argued that the board of review did not report the proximity of its comparables to the subject and thus the data should be given limited weight in the Board's analysis. As to the argument that the subject is a rental property, counsel argued that an income analysis is the least preferred valuation method when there is market data available. Board of review comparable #2 was a 2011 sale, remote in time to the valuation date at issue of January 1, 2014.

Conclusion of Law

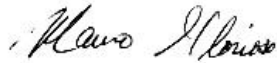
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must

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 eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #2 as this property sold in 2011, a date more remote in time to the valuation date at issue and this is also a 1.5-story dwelling as compared to the subject's one-story design.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparable sales #1 and #3 although four of these seven comparables are superior to the subject by having a basement foundation. These most similar comparables sold between February 2012 and September 2014 for prices ranging from \$10,000 to \$109,000 or from \$13.37 to \$106.86 per square foot of living area, including land. The subject's assessment reflects a market value of \$47,537 or \$66.02 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be justified when giving due consideration to the subject's slab foundation as compared to several of the comparables. 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.