



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

APPELLANT: David Lockhart
DOCKET NO.: 14-02348.001-R-1
PARCEL NO.: 15-34-176-010

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: \$4,297
IMPR.: \$21,955
TOTAL: \$26,252

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 1.5-story dwelling of frame construction with 1,296 square feet of living area. The dwelling was constructed in 1929. Features of the home include a full basement and a 360 square foot garage. The property has a 9,065 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 1.5-story frame dwellings located within .90 of a mile from the subject. The analysis did not disclose the subject or comparables' land size. The dwellings were built between 1907 and 1955. The homes range in size from 1,080 to 1,443 square feet of building area. Each comparable has

¹ Attorney Jerri K. Bush withdrew her appearance as counsel of record by a filing dated March 16, 2016.

a basement, one comparable has central air conditioning and one comparable has a fireplace. Each comparable has a garage. The properties sold from October 2012 to November 2013 for prices ranging from \$39,000 to \$55,000 or from \$31.86 to \$50.93 per square foot of living area, including land. The analysis included adjustments to the comparables for sale date, land, age, size, basement area, fireplaces, 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 \$47,399 or an assessment of \$15,798.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,252. The subject's assessment reflects a market value of \$78,859 or \$60.85 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 township assessor. In the memorandum, the assessor asserted that the appellant submitted six comparable sales, two of which were "HUD Sale," two of which were "Bank REO" and the remaining two were "Quite Claim Deed" and a short sale. A grid analysis purported to reiterate the appellant's comparables, although this spreadsheet provided six properties; comparable #5 was not presented by the appellant before 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 located on the same street as the subject property. The comparables consist of a part 1.5-story and part one-story and two, 1.5-story frame dwellings that were built in 1929 or 1931. The homes range in size from 1,050 to 1,627 square feet of living area and feature basements. Each comparable has central air conditioning and one has a fireplace. Each property has a garage. The comparables sold between January 2011 and February 2013 for prices ranging from \$95,500 to \$125,000 or from \$62.69 to \$90.95 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 board of review comparables #2 and #3 which sold in 2011 should be considered less indicative of the subject's estimated market value as of the assessment date 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 comparables #2 and #3 as these properties sold in 2011, a date more remote in time to the valuation date at issue.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparable sale #1. These most similar comparables sold between October 2012 and November 2013 for prices ranging from \$39,000 to \$95,500 or from \$31.86 to \$90.95 per square foot of living area, including land. The subject's assessment reflects a market value of \$78,859 or \$60.85 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 adjustments and differences between the subject and comparables, such as the subject's lack of air conditioning. 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.