



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

APPELLANT: David Lockhart
DOCKET NO.: 14-02349.001-R-1
PARCEL NO.: 06-13-429-032

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: \$7,858
IMPR.: \$23,165
TOTAL: \$31,023

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 1,332 square feet of living area. The dwelling was constructed in 1930. Features of the home include a full basement, a fireplace and a detached 240 square foot garage. The property has a 12,150 square foot site and is located in 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 five comparable sales. The comparables were located within 1.6-miles of the subject property. The comparables consist of 1.5-story dwellings that were built between 1920 and 1928. The homes range in size from 1,152 to 1,512 square feet of living area and feature basements. One comparable has central air conditioning and each has a garage. The properties sold between January 2013 and October 2013 for prices ranging from \$20,000 to \$52,500 or from \$14.72 to \$38.83 per square foot of living area, including land.

¹ Attorney Jerri Bush withdrew her appearance as counsel with a filing dated March 16, 2016.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$17,394 which would reflect a market value of approximately \$52,182.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,023. The subject's assessment reflects a market value of \$93,190 or \$69.96 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 updated and "is being rented for \$1,250 per month." A copy of a Multiple Listing rental sheet was submitted to support the contention as to the rental; no legible data supported the assertion the property has been updated and the property record card did not have information on recently issued building permits which may have indicated remodeling of the dwelling.

The board of review also submitted a memorandum from the Elgin Township Assessor's Office contending that appellant's comparables #1 and #5 were not advertised for sale; comparable #1 was a transfer of less than 100% interest and comparable #5 was a "court ordered sale." Appellant's comparables #2, #3 and #4 were foreclosure sales, two of which had marketing times of 12 and 30 days and were sold for cash in "as-is" condition.

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 1.5-story frame dwellings that were built between 1928 and 1948. The homes range in size from 1,240 to 1,509 square feet of living area and feature basements, two of which have finished areas. One comparable has a fireplace and each has a garage. The properties sold between January 2012 and December 2013 for prices ranging from \$116,700 to \$126,500 or from \$81 to \$97 per square foot of living area, including land, rounded.

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 provide proximity data for the comparable properties and thus the data should be given little weight in the Board's analysis. Counsel also argued that board of review comparables #2 and #3 sold in 2012, a date more remote in time to the valuation date which should be given little weight.

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 sales occurred more remote in time to the valuation date. The Board has also given reduced weight to appellant's comparables #1 and #5 which reportedly were not advertised as reported by the board of review and the appellant did not refute these assertions in rebuttal.

As to the board of review argument that several of the sales presented by the appellant were foreclosures, the Board takes judicial notice of Section 1-23 of the Code which 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 is appropriate to consider foreclosure sales in revising and correcting the subject's assessment.

The Board finds the best evidence of market value to be appellant's comparable sales #2, #3 and #4 along with board of review comparable sale #1. These most similar comparables sold between January 2013 and December 2013 for prices ranging from \$44,500 to \$116,700 or from \$38.38 to \$81.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$93,190 or \$69.96 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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.