



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

APPELLANT: David Lockhart  
DOCKET NO.: 14-02352.001-R-1  
PARCEL NO.: 15-16-226-005

The parties of record before the Property Tax Appeal Board are David Lockhart, 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 **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:** \$4,186  
**IMPR.:** \$30,581  
**TOTAL:** \$34,767

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 1,285 square feet of living area. The dwelling was constructed in 1956. Features of the home include a full basement, central air conditioning and an attached 288 square foot garage. The property has a 17,350 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 July 26, 2013 for a price of \$56,146. The appellant reported in Section IV – Recent Sale Data that the property was purchased from Wells Fargo, the parties to the transaction were not related and the property was purchased at a judicial sale which was advertised "as required by statute." Attached documentation included a copy of the Sheriff's Deed in Judicial Sale; a copy of the Sheriff's Report of Sale and Distribution; copies reflecting the advertisement of the judicial sale in the

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

Aurora Beacon-News; and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration reiterating the court ordered sale and that the property was advertised. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$34,767. The subject's assessment reflects a market value of \$104,437 or \$81.27 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 contended that the subject property has been rehabbed and "currently rented for \$1,350 per month"; a listing print out was attached to support the rental which also described the property as "recently remodeled." The last permit recorded on the property record was dated in June 2007 to "reroof." In a memorandum, the sale of the subject was characterized as "2013 Foreclosure Sale. Buyer is an Investor."

In support of its contention of the correct assessment the board of review submitted information on three comparable sales. The comparables consist of one-story frame dwellings that were built between 1959 and 1963. The homes range in size from 1,056 to 1,148 square feet of living area. None of the comparables have basements, but each home has central air conditioning and a garage. The properties sold between February 2011 and November 2013 for prices ranging from \$109,000 to \$110,000 or from \$95.28 to \$104.07 per square foot of living area, including land.

The board of review also submitted data on three equity comparables; this data will not be further examined since it is not responsive to the appellant's overvaluation appeal.

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 reiterated that the appeal was based upon the recent purchase of the subject property. Counsel outlined the legal process by which properties must be "advertised" in local newspapers prior to the sheriff's auction. It was further noted that the board of review did not dispute the arm's length nature of the subject's sale transaction in its submission nor that the sale price was not reflective of market value. Counsel also argued that board of review comparable #2 sold in 2011, a date remote in time to the valuation date at issue. It was also argued that the board of review failed to report the proximity of the comparable sales to the subject property such that reduced weight should be given to the board of review's evidence.

### **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 the recent purchase price of the subject property and three comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable sale #2 which occurred in 2011, a date more remote in time from the valuation date at issue of January 1, 2014.

The Property Tax Appeal Board finds the best evidence of market value in the record to be board of review comparable sales #1 and #3. These comparables sold in January 2013 and November 2013 for prices of \$109,000 and \$110,000 or for \$95.82 and \$104.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$104,437 or \$81.27 per square foot of living area, including land, which is below the range established by the comparable sales in this record. The Board gave little weight to the subject's sale due to the fact the appellant failed to establish that the purchase had the elements of an arm's length transaction especially in light of the fact the property sold at a Sheriff's Sale indicating this was not a transaction between a willing seller and a willing buyer but sold out of distress at a public auction. Additionally, the sale price of the subject property is significantly below the price of the comparable sales indicating the purchase price was not indicative of fair cash value. Based on this record 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.



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Chairman



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Member

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Member



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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



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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.