



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

APPELLANT: Hirsh M. & Norma L. Busch  
DOCKET NO.: 14-02528.001-R-1  
PARCEL NO.: 08-26-151-009

The parties of record before the Property Tax Appeal Board are Hirsh M. & Norma L. Busch, the appellants,<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 **A Reduction** 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:** \$34,226  
**IMPR.:** \$130,709  
**TOTAL:** \$164,935

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 two-story single-family dwelling of frame and brick exterior construction with 3,303 square feet of living area. The dwelling was constructed in 1994. Features of the home include a partial basement with finished area, central air conditioning, a fireplace and an attached 818 square foot garage. The property has a 58,337 square foot site and is located in Elburn, Campton Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on January 31, 2013 for a price of \$375,000 or \$113.53 per square foot of living area, including land. The appellants completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, and the property had been advertised on the open market with the Multiple Listing Service. In further support of the

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

transaction the appellants submitted a copy of the Settlement Statement reiterating the purchase price and date which also depicted the distribution of brokers' fees to two entities; a copy of the Escrow Receipt and Disbursement Authorization; and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration reiterating the sale date and price along with reporting the property was advertised for sale and a "short sale." As to the question in Section IV, "If renovated, amount spent before occupying" with a request for the dollar amount, the appellants did not provide any information nor did the appellants indicate the date the property was occupied.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the January 2013 purchase price for the valuation as of January 1, 2014.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$174,983. The subject's assessment reflects a market value of \$525,632 or \$159.14 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 an unsigned and undated memorandum from the township assessor along with a grid analysis of three comparable sales and a copy of the subject's property record card. In the memorandum, the assessor noted that the sale of the subject was a "short sale" and stated, "This property has been totally renovated and is CURRENTLY listed for sale at \$594,000." [Emphasis in original.] The assessor further asserted in the memorandum that Mrs. Busch contacted the assessor's office and reported the appellants had "put in over \$100,000 of improvements" to the property since its purchase. No documentation was provided to support that renovations have occurred, the last permit information on the property record card reflects an issuance date of December 1992 and no copy of a "current" listing of the subject property was provided with the submission.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales located in the subject's neighborhood. The comparables consist of two-story dwellings of frame or frame and masonry construction that were built between 1992 and 1994. The homes range in size from 3,102 to 3,393 square feet of living area and feature basements, two of which have finished areas, central air conditioning and one or two fireplaces. Each home has a garage ranging in size from 623 to 704 square feet of building area. The parcels range in size from 56,119 to 75,490 square feet of land area. The properties sold between May 2012 and August 2013 for prices ranging from \$465,000 to \$525,000 or from \$148.28 to \$154.73 per square foot of living area, including land.

The assessor further argued that while the subject may not sell for the asking price, he/she opined that the subject property is "obviously" worth more than the \$375,000 'short sale' price from 2013. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, former counsel for the appellants argued that the best evidence of market value was the sale of the subject in January 2013 after having been exposed on the open market. It was further argued that there was no evidence presented by the board of review disputing the arm's length nature of the sale transaction. Former counsel noted that comparable sale #1 from

the board of review sold in 2012 which should not be considered indicative of the subject's market value as of the assessment date at issue. Lastly it was argued, "Appellee [board of review] has not provided any evidence to support its notes. An actual sale (as opposed to a listing) of the subject property closer to the lien date should be considered more indicative of value."

### **Conclusion of Law**

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The appellants have relied upon the January 2013 purchase price of the subject property for \$375,000 that was a short sale and the board of review has relied upon an assertion that renovations to the subject property have been made since the date of purchase along with submission of three comparable sales. As to the sales submitted by the board of review, the Property Tax Appeal Board has given little weight to comparable sale #1 which is most remote in time to the valuation date at issue of January 1, 2014.

Furthermore, the Board finds the rebuttal submission made on behalf of the appellants refuted the notion that a listing price should carry much weight in the market value determination of the subject property, but the rebuttal did not at all refute the assertion made by the board of review that the appellants renovated the subject property with an expenditure of more than \$100,000. However, the board of review through the assessor also failed to establish through any documentation that the subject property was "currently" listed for sale for \$594,000. The Board further finds that the board of review submission was made in August 2015 which raises questions as to the purported date of the listing of the subject property in relation to the valuation date at issue.

Given the limited record in this matter, the Board finds that it is appropriate to give due consideration to the evidence submitted by both parties. Therefore, the Board will weigh the January 2013 sale of the subject for \$375,000, along with subsequent renovations and comparable sales #2 and #3 submitted by the board of review. Board of review comparable sales #2 and #3 are similar to the subject in age, design, exterior construction, size, features and/or amenities. These two sales also occurred more proximate in time to the valuation date at issue of January 1, 2014 as these sales occurred in May 2013 and August 2013 for prices of \$465,000 and \$525,000, respectively, or for \$149.90 and \$154.73 per square foot of living area, including land. Based on this analysis of the record, the Board finds the subject property is overvalued based on its assessment of \$525,632 or \$159.14 per square foot of living area, including land.

In conclusion, based on this limited record the Board finds the subject property is overvalued and a reduction in the subject's assessment is warranted.

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: January 27, 2017



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.