



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

APPELLANT: Michelle Raduha & Shane Nowak  
DOCKET NO.: 14-02542.001-R-1  
PARCEL NO.: 06-14-409-034

The parties of record before the Property Tax Appeal Board are Michelle Raduha & Shane Nowak, 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:** \$9,069  
**IMPR.:** \$37,593  
**TOTAL:** \$46,662

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 dwelling of frame construction with 2,018 square feet of living area. The dwelling was constructed in 2004. Features of the home include a partial unfinished basement, central air conditioning and an attached three-car garage containing 645 square feet of building area. The property is located in Elgin, Elgin 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 March 1, 2013 for a price of \$140,000. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the property was purchased from Federal National Mortgage Association (Fannie Mae) as a foreclosure, 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 (MLS) for a period of 102 days. In further support of the transaction the appellants submitted a

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

copy of the Settlement Statement reiterating the purchase price and date which also depicted the distribution of brokers' fees to two entities. Also provided was a copy of the MLS listing sheet which indicated the property was listed on October 16, 2012, sold "as is" and was a "pre-foreclosure" with an original asking price of \$174,900. A copy of the Listing & Property History Report further confirms the property's original asking price and original listing date.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the 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 \$54,530. The subject's assessment reflects a market value of \$163,803 or \$81.17 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 Elgin Township Assessor's Office. The assessor noted the subject property "sold as a Special Warranty Deed – Foreclosure – Bank REO."

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 West side of Elgin" although no proximity data to the subject was provided and none of the comparables are in the same subdivision as the subject. The comparables consist of two-story frame or frame and brick dwellings that were built between 1986 and 2004. The homes range in size from 2,066 to 2,158 square feet of living area and feature basements, one of which has finished area. Each home has a fireplace and a garage ranging in size from 380 to 458 square feet of building area. The comparables sold between April 2013 and July 2013 for prices ranging from \$195,000 to \$210,000 or from \$94 to \$102 per square foot of living area, including land, rounded. As part of the grid analysis, the assessor noted that comparable sale #3, like the subject property, was sold via Special Warranty Deed as a foreclosure.

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 March 2013 after having been exposed on the open market for 102 days. 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.

### **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 Board finds the best evidence of market value to be the purchase of the subject property in March, 2013 for a price of \$140,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 102 days. In further support of the transaction the appellants submitted a copy of the Settlement Statement and the MLS listing sheet along with the Listing & Property History Report.

The Board finds the purchase price of \$140,000 is below the market value reflected by the assessment of \$163,803. Additionally, the Board finds that the board of review did not present any evidence to challenge the arm's length nature of the sale transaction or to refute the contention that the purchase price was reflective of market value at the time of the sale. In fact, the assessor also submitted a copy of the MLS listing of the subject property establishing the property was marketed for a period of 102 days prior to the sale transaction.

As to the comparable sales submitted by the board of review, the Board finds that the comparables must be given little weight as these comparable sales do not overcome the appellants' evidence of a valid arm's length sale transaction that was not refuted by the assessing officials.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellants' request 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.