



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

APPELLANT: Doug Jones  
DOCKET NO.: 14-02545.001-R-1  
PARCEL NO.: 06-23-253-005

The parties of record before the Property Tax Appeal Board are Doug Jones, 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 **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:** \$8,746  
**IMPR.:** \$11,785  
**TOTAL:** \$20,531

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 part one-story and part two-story dwelling of frame construction with 1,607 square feet of living area. The dwelling was constructed in 1900. Features of the home include a partial basement, a fireplace and a detached 440 square foot garage. The property has a 7,405 square foot site and is located in Elgin, Elgin 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 September 30, 2013 for a price of \$61,600. The appellant reported that the parties to the transaction were not related, the property was sold by a Realtor with Winfield Realty and the property was purchased from Deutsche Bank after having been advertised with the Multiple Listing Service for a period of 17 days. A copy of the Settlement Statement reiterated the purchase price and closing date and also

---

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

depicted the distribution of brokers' fees to two entities. A copy of the listing sheet was also provided indicating the property was first listed on August 28, 2013 with an asking price of \$58,500 before the property sold. The listing also indicated the property was available for cash financing, was an REO/Lender Owned, Pre-Foreclosure property and the remarks included "vintage farmhouse, some updating done but still needs some TLC" and noted the property was a money maker for an investor or homeowner for sweat equity with "possible mold in basement."

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 \$34,997. The subject's assessment reflects a market value of \$105,128 or \$65.42 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 along with data prepared by the Elgin Township Assessor's Office. The assessor contended that the subject "sold as a Special Warranty Deed – Foreclosure – Cash Sale" and that no appraisal was submitted by the appellant. The assessor submitted a copy of the listing sheet concerning the subject and highlighted the number of days on the market and the cash financing.

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 south west side of Elgin. The comparables consist of two-story frame or frame and masonry dwelling that were built between 1903 and 1906. The homes range in size from 1,560 to 1,652 square feet of living area and feature basements, each of which have finished areas. Each comparables has a detached garage ranging in size from 252 to 624 square feet of building area. The comparables sold between March 2012 and September 2013 for prices ranging from \$121,100 to \$134,900 or from \$78 to \$84 per square foot of living area, including land, rounded. The data also depicted the comparable sale #3 was a Special Warranty Deed – Foreclosure that was on the market for 14 days.

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 sale of the subject was the best evidence of its market value in light of case law and the facts in the record. It was further argued that two of the sales presented by the board of review occurred in 2012, dates remote in time to the valuation date of January 1, 2014. Also submitted were Redfin listings of the three comparables presented by the board of review for "consideration" by the Property Tax Appeal Board.

### **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

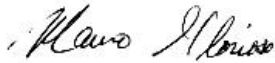
be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction 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 September, 2013 for a price of \$61,600. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant 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 17 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement and the Multiple Listing Service data sheet that noted the home "needs some TLC," could involve sweat equity and had "possible mold in basement."

The Property Tax Appeal Board finds the purchase price of \$61,600 is below the market value reflected by the assessment of \$105,128. Furthermore, the Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction and, while the board of review noted the property sold by Special Warranty Deed and sold after a marketing time of 17 days, the board of review presented its sale #3 that similarly sold by Special Warranty Deed and sold after a marketing time of 14 days. As to board of review sales #1 and #2, the Board find the sales were remote in time to the valuation date at issue and, additionally, none of the sales presented overcome the evidence of the purchase price of the subject property that was in need of repair and may have mold in the basement.

Based on this record the Board finds a reduction in the subject's assessment is warranted commensurate with the appellant's request.

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: February 24, 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.