



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

APPELLANT: David Lockhart  
DOCKET NO.: 14-02589.001-R-1  
PARCEL NO.: 09-11-304-023

The parties of record before the Property Tax Appeal Board are David Lockhart, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, 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:** \$19,798  
**IMPR.:** \$15,697  
**TOTAL:** \$35,495

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 960 square feet of living area. The dwelling was constructed in 1971. Features of the home include a full basement with finished area,<sup>1</sup> central air conditioning, one

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<sup>1</sup> The appellant reported the subject has a finished basement, but the assessing officials did not report basement finish for the subject dwelling

bathroom and a 336 square foot garage. The property has an 8,400 square foot site and is located in St. Charles, St. Charles 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 May 2, 2013 for a price of \$72,500. The appellant completed Section IV - Recent Sale Data of the appeal petition 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 for 19 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date; a copy of the Multiple Listing Service data sheet depicting that the property was a short sale with cash financing; and a copy of the Listing & Property History Report depicting a listing date of January 12, 2013 with an asking price of \$80,000 before being sold. 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 \$37,320. The subject's assessment reflects a market value of \$112,106 or \$116.78 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 and in support of its contention of the correct assessment, the board of review submitted a memorandum from Pat Miller, Deputy Assessor in the St. Charles Township Assessor's Office. In the memorandum, Miller noted the subject's sale transaction was a short sale and stated in pertinent part:

The preponderance of the evidence brought into record strongly demonstrates that the May, 2013 short sale of the subject property is not reflective of true fair cash value; the assessor's market value of the subject property is well supported.

Additionally, the deputy assessor submitted a chart with information four comparable sales located in the subject's subdivision. The comparables are similar in land area, style,

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in the grid analysis despite that the submitted property record card does reflect a basement recreation room.

exterior construction, age, size and some other features. The comparable homes contain either 960 or 967 square feet of living area. Two of the comparables have full basements, one of which according to the applicable property record card, has finished area of a recreation room. One of the four comparables has central air conditioning like the subject. Two of the comparables have two bathrooms. Three of the comparables have garages ranging in size from 408 to 528 square feet of building area. These four comparables sold from August 2012 to July 2014 for prices ranging from \$110,000 to \$120,000 or from \$113.75 to \$125.00 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant reiterated that the basis of this appeal was the recent sale of the subject property. Counsel contends that the subject's purchase was an arm's length transaction in light of applicable case law and has not been adequately disputed by the board of review. Since the board of review did not provide any evidence that the subject's sale price was not reflective of market value, the appellant requested a favorable decision.

#### **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 parties submitted a total of five sales to support their respective positions before the Property Tax Appeal Board, including the sale of the subject property. The appellant contended that the sale of the subject reflects market value as the sale has the elements of an arm's length transaction as it was sold between unrelated parties, was advertised and exposed on the open market. Moreover, there was no evidence that the transaction was not made between a willing seller and a willing buyer.

The Property Tax Appeal Board finds on this record that there are additional sales similar to the subject property that merit analysis for a determination of the correct assessment of the subject property.

The Board has given reduced weight to board of review comparables #1 and #3 as these dwellings differ substantially in foundation when compared to the subject as these comparables have concrete slab foundations and the subject has a basement with finished area.

The Board finds the best evidence of market value in the record to be the sale of the subject property in April 2013 along with board of review comparable sales #2 and #4. These two board of review comparables are similar to the subject in land area, design, exterior construction, age, size and foundation. Board of review comparables #2 and #4 are superior to the subject by having two bathrooms as compared to the subject that has one bathroom. Comparable #2 has central air conditioning and a garage of 408 square feet of building area. These two most similar comparables to the subject sold in April 2013 and July 2014 for prices of \$110,000 and \$115,000 or for \$113.75 and \$119.79 per square foot of living area, including land. The subject property sold in April 2013 for \$72,500 or for \$75.52 per square foot of living area, including land.

Given the sale of the subject and two similar comparables that sold on dates bracketing the assessment date of January 1, 2014, the Property Tax Appeal Board finds that the sale of the subject property does not mimic the pattern of comparable sales in the same time period for properties with a similar land size, design, age, foundation and/or features. The Board finds from this analysis of similar area sales that the sale of the subject property does not appear to be a true reflection of market value.

The subject property's assessment reflects a market value of \$112,106 or \$116.78 per square foot of living area, including land. The subject's estimated market value as reflected by its assessment appears to be excessive when giving due consideration to the differences between the subject and the most similar comparable dwellings including, but not limited to the number of bathrooms, basement finish and/or features of central air conditioning and a garage that vary between the properties.

The two most similar comparable sales presented by the board of review sold for prices of \$110,000 and \$115,000 or for \$113.75

and \$119.79 per square foot of living area, including land. Giving due consideration to the superior bathroom amenities of the most similar comparables, the Board finds the subject property is overvalued based on its assessment 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.

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Chairman

*K. L. Fan*

*Mario Alvarez*

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Member

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Member

*JR*

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Member

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Acting Member

*Robert Hoffmann*

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Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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 19, 2016

*A. Proctor*

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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.