



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

APPELLANT: Barbara Flanagan  
DOCKET NO.: 14-03847.001-R-1  
PARCEL NO.: 06-34-102-061

The parties of record before the Property Tax Appeal Board are Barbara Flanagan, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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:** \$8,997  
**IMPR.:** \$22,474  
**TOTAL:** \$31,471

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 condominium unit with 1,220 square feet of living area. The frame condominium building was constructed in 1993. Features of the unit include a full basement, central air conditioning and an attached 220 square foot garage. The property is located in South 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 April 29, 2013 for a price of \$79,500 or \$65.16 per square foot of living area, including land. The appellant 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 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 the property was a short sale; and a copy of the Listing & Property History Report depicting the original listing date of November 29, 2011 with an asking price of \$138,000 with subsequent price reductions to a final asking price of \$78,000 as of June 14, 2012. As to the question in Section IV, "If renovated, amount spent before occupying" with a request for the dollar amount, the appellant did not provide any information nor did the appellant indicate the date the property was occupied.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the April 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 \$31,471. The subject's assessment reflects a market value of \$94,536 or \$77.49 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 statement from the Elgin Township Assessor's Office asserting the subject property was purchased for cash as a short sale in 2013 and was contracted in 207 days. The assessor further contended that the property is income producing asserting that "approximately one month after purchasing the property, the appellant rented the home for \$1,350 per month." A copy of the Multiple Listing Service rental information was submitted along with interior photos from the rental transaction. The rental listing described the dwelling as recent rehab and specifically remarked the dwelling was "freshly painted – brand new carpet" and stated, "so much new – ready for you."

In further response and after acknowledging that the assessment was reduced for 2013 by the Property Tax Appeal Board, the assessor wrote:

Our office requests the PTAB give greater consideration to the fact the home is not owner occupied but being utilized as rental property. Given the condition of the home has changed since the time of sale and is currently rented, we ask the 2014 assessment be confirmed to keep uniformity among the subject and its neighbors to ensure the tax burden is distributed proportionately.

In further support of its contention of the correct assessment, the board of review through the township assessor submitted information on ten comparable "arm's length and distressed" sales within the subject's subdivision that were improved with two-story condominium units that were built between 1992 and 1999. The dwelling units each contain 1,220 square feet of living area and feature full basements and central air conditioning. Six of the comparables have a fireplace and each comparable has a 220 square foot attached garage. The comparables sold from May 2011 to October 2013 for prices ranging from \$96,000 to \$125,000 or from \$78.79 to \$102.46 per square foot of living area, including land. Two of the comparable sales were noted as short sales, two sales were noted as REO (Real Estate Owned) and one sale was reportedly sold by a government agency.

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

In written rebuttal, counsel for the appellant noted the board of review did not dispute the validity of the arm's length sale transaction having sold between unrelated parties after having been advertised for sale on the open market. Moreover, counsel contends that the board of review's comparable sales evidence is not relevant when the appellant's appeal is based only on a recent sale of the subject property. The rebuttal filing, however, did not address the board of review's contention that the condition of the subject property has been modified since its purchase.

### **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 appellant relied solely upon the April 2013 purchase price of the subject property as the basis of this appeal, but the appellant did not report the amount of money spent on renovations made to the property subsequent to the purchase as required in Section IV – Recent Sale Data of the appeal petition. The board of review reported the June 2013 rental listing for the subject property indicated the property had been freshly painted, had new carpeting and had "so much new." In the rebuttal filing, the appellant did not respond to nor refute that the condition of the subject dwelling had been modified, rehabilitated and/or upgraded since its purchase in April 2013.

In summary, the parties submitted evidence of the April 2013 purchase price and ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable sales #5 through #10 as these sales occurred in either 2011 or 2012, dates more remote in time to the valuation date at issue of January 1, 2014 and thus less likely to be indicative of the subject's estimated market value.

The Board finds the best evidence of market value in the record to be consideration of the sale of the subject that occurred in April 2013, giving due consideration to the rehabilitation of the property since its purchase date, along with board of review comparable sales #1 through #4 which sold between February 2013 and October 2013. These four board of review comparables were also similar to the subject in location, style, construction, features and/or age and sold proximate in time to the assessment date at issue. The board of review comparables sold for prices ranging from \$96,900 to \$118,000 or from \$79.43 to \$96.72 per square foot of living area, including land. The subject property sold in April 2013 for \$79,500 or \$65.16 per square foot of living area, including land, but based on the evidence in the record, by June 2013, the property had been renovated including new carpeting although the appellant did not report the amount of funds expended in the renovation of the property. The subject's assessment reflects a market value of \$94,536 or \$77.49 per square foot of living area, including land, which is above the property's April 2013 purchase price, but also below the range established by the best comparable sales in the record which were presented by the board of review.

In examining the record, the Board has given reduced weight to the subject's sale price standing alone due to the fact the subject property was renovated subsequent to the time of the sale and, more particularly, the appellant failed to report the amount of funds expended in the renovation as required in Section IV – Recent Sale Data of the Residential Appeal petition. Considering the recent comparable sales on this record and the renovation of the subject property, the Board finds that the subject's estimated market value as reflected by its assessment is below the sales prices of the four most recent comparable sales in the record. As such, the Board finds the appellant failed to establish by a preponderance of the evidence that the subject's assessment is excessive and, therefore, the Board finds a reduction in the subject's assessment is not 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.