



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

APPELLANT: Greenland Housing LLC  
DOCKET NO.: 14-03854.001-R-1  
PARCEL NO.: 06-13-459-027

The parties of record before the Property Tax Appeal Board are Greenland Housing LLC, 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 **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:

<b>LAND:</b>	\$5,953
<b>IMPR.:</b>	\$20,679
<b>TOTAL:</b>	\$26,632

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a 2013 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-180 of the Property Tax Code (35 ILCS 200/16-180) 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 part 1-story, part 1.5-story and part two-story dwelling of frame construction with 1,739 square feet of living area. The dwelling was constructed in 1875. Features of the home include a partial basement and a detached 400 square foot garage. The property is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence concerning a 2012 purchase price of the subject property along with submission of information on seven comparable sales, where comparable #1 is the subject property.

As to the purchase of the subject, the appellant disclosed the subject property was purchased in August, 2012 for a price of \$36,125. The appellant partially completed Section IV - Recent Sale Data of the appeal petition disclosing the property was purchased from unrelated parties, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service (MLS). In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and reporting a settlement date of July 30, 2012 which also depicted the distribution of two brokers' fees to one realty firm; a copy of the MLS listing sheet which indicated the property was available for cash financing, sold as-is, was REO/Lender Owned, Pre-Foreclosure and was on the market for 30 days; and a copy of the Listing & Property History Report that indicated the property had an original asking price of \$32,670 in May 2012.

As to the comparable sales data, the appellant's grid analysis depicts data on the proximity, design, year of construction, dwelling size, basement size and type and garage size along with sale date, sales price and price per square foot of living area of six suggested comparable properties. The comparables consist of a part 1-story, part 1.5-story and part 2-story and five, part 1-story and part 2-story dwellings, none of which is located in the same subdivision as the subject property and were located from .30 to .95 of a mile from the subject property. The homes were built between 1875 and 1900 and range in size from 1,469 to 1,843 square feet of living area. Each comparable has a full or partial basement and a garage ranging in size from 216 to 440 square feet of building area. The properties sold between June 2013 and August 2014 for prices ranging from \$26,800 to \$62,501 or from \$15.80 to \$40.80 per square foot of living area, including land. The analysis included a section entitled Property Equalization Values which appears to depict adjustments to the subject and the comparable properties for sale date, land, age, size, basement area, baths and/or garage size. The bottom of the analysis depicted a reduction in the subject's assessment of \$22,616 to arrive at an assessment reflective of the subject's August 2012 purchase price of approximately \$36,125. At the end of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted.

Based on this evidence, the appellant requested an assessment reflective of the subject's 2012 purchase price as of the assessment date of January 1, 2014.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$34,656. The subject's assessment reflects a market value of \$104,103 or \$59.86 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 from the township assessor along with additional data. The assessor noted that the subject property is not owner occupied, is an income producing property, was purchased for cash as a foreclosure in 2012 and was contracted in 30 days. Additionally, the assessor contends that subsequent to the purchase, the property was rehabbed and provides citations to two building permits issued by the City of Elgin.

The assessor recognized that the Property Tax Appeal Board for tax year 2013 reduced the subject's assessment, but for this 2014 appeal requested that greater consideration be given to the fact the property is not owner occupied, is used as a rental and, given the change in condition since its purchase, confirm the current assessment "to keep uniformity among the subject and its neighbors to ensure the tax burden is distributed proportionately."

In support of its contention of the correct assessment the board of review through the township assessor submitted a grid analysis with information on seven comparable sales. The information includes the proximity, design, exterior construction, year of construction, dwelling size, basement size, air conditioning feature, number of fireplaces and garage size along with sale date, sales price and price per square foot of living area. The comparables are located within .85 of a mile from the subject and consist of part 1-story and part 2-story frame or brick dwellings. The homes were built between 1880 and 1930. The homes range in size from 1,239 to 1,839 square feet of living area. Each comparable has a basement. One comparable has central air conditioning and one comparable has a fireplace. Each of the comparables has a garage ranging in size from 216 to 440 square feet of building area. The properties sold between April 2011 and April 2014 for prices ranging from \$95,000 to \$134,500 or from \$64.26 to \$79.08 per square foot of living area, including land. Comparable sale #5 was sold via "Special Warranty Deed – Bank REO" as reported in the grid.

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

In written rebuttal, in response to the contention that the subject property was improved after purchase, the appellant contends that repairs and maintenance shall not increase the value of the property unless square footage is added citing to Section 10-20 of the Property Tax Code. (35 ILCS 200/10-20)<sup>1</sup> Since no square footage was added, counsel contends that the improvement(s) result in no added value.

As to the seven comparables presented by the board of review, counsel for the appellant argued that sales #1 through #6 sold in either 2011 or 2012, dates too remote in time to be indicative of market value in 2014. Furthermore, sale #7 is reportedly approximately 54 years newer than the subject dwelling. Counsel asserted that appellant's comparables #2, #3, #4, #5, #6 and #7 were the best comparable sales. Considering all of these "best" comparable sales along with board of review comparable #7, counsel argued that a reduction in the subject's assessment is warranted and further argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Appellant

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<sup>1</sup> "Repairs and maintenance of residential property. Maintenance and repairs to residential property owned and used exclusively for a residential purpose shall not increase the assessed valuation of the property. For purposes of this Section, work shall be deemed repair and maintenance when it (1) does not increase the square footage of improvements and does not materially alter the existing character and condition of the structure but is limited to work performed to prolong the life of the existing improvements or to keep the existing improvements in a well maintained condition; and (2) employs materials, such as those used for roofing or siding, whose value is not greater than the replacement value of the materials being replaced. Maintenance and repairs, as those terms are used in this Section, to property that enhance the overall exterior and interior appearance and quality of a residence by restoring it from a state of disrepair to a standard state of repair do not "materially alter the existing character and condition" of the residence."

further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

### 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.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Based upon the foregoing legal principles and contrary to the assertion of the appellant's counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

As to the market value contention in this matter, the parties submitted the August 2012 sale of the subject property along with 13 suggested comparable sales for consideration by the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #1 through #5 which sold in 2011, dates more remote in time and thus less likely to be indicative of the subject's estimated market value as of January 1, 2014.

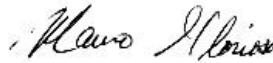
As part of the rebuttal argument, the appellant contended that sales in both 2011 and 2012 are too remote in time to be indicative of market value as of January 1, 2014. As such, the appellant argued in rebuttal that their recent sale price evidence concerning the subject property which sold in August 2012 is not valid evidence of market value. While the Property Tax Appeal Board recognizes that proximity in time of the sale date to the lien date is an important consideration, the Board will examine the sale of the subject. Based on the sales evidence in the record, the subject's sale price of \$36,125 appears to be an outlier and the appellant's rebuttal addressing the improvements to the dwelling subsequent to the purchase did not specifically address the amount expended in renovations and/or what renovations were performed. In this regard, the appellant just generally denied that any value was added, but there were no specifics provided to allow a determination whether the changes were merely maintenance and repairs as opposed to increasing the value of the property. The Board similarly finds board of review comparable #6 which sold in October 2012 to be an outlier with a sale price of \$134,500 given the other sales evidence in the record.

The Property Tax Appeal Board in its analysis has given reduced weight to appellant's comparable #1 which is a reiteration of the subject property and not a "comparable."

The Board finds the best evidence of market value in the record to be appellant's comparable sales #2 through #7 along with board of review comparable sale #7. The comparables were located from .28 to .95 of a mile from the subject property and sold between April 2013 and August 2014 for prices ranging from \$26,800 to \$120,000 or from \$15.80 to \$66.19 per square foot of living area, including land. These sales provided by the parties had varying degrees of similarity to the subject property. Also, two of the appellant's sales appear to have elements of being distressed or compulsory sales having sold for \$26,800 and \$30,700, respectively, which sets the low end of the range. In contrast, the April 2013 sale identified by the township assessor sets the upper end of the range.

Giving due consideration to the best comparable sales in the record, the Board gives most weight to appellant's sale #3 along with board of review sale #7 as these comparables appear to be most similar to the subject in location, age, size, design and/or features. These comparables sold for prices of \$62,501 and \$120,000 or for \$40.80 and \$66.19 per square foot of living area, including land. The subject's assessment reflects a market value of \$104,103 or \$59.86 per square foot of living area, including land, which is supported by the two best comparable sales in this record, but appears to be excessive when giving consideration to the subject's August 2012 purchase price with subsequent unknown and unspecified changes as a consequence of building permits. Based on this evidence and analysis, the Board finds a reduction in the subject's assessment is justified.

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.