



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

APPELLANT: IH3 Property Illinois, LP
DOCKET NO.: 15-00728.001-R-1
PARCEL NO.: 09-21-276-006

The parties of record before the Property Tax Appeal Board are IH3 Property Illinois, LP, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago, 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: \$56,594
IMPR.: \$41,739
TOTAL: \$98,333

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 2015 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 and brick construction with 3,314 square feet of living area. The dwelling was constructed in 1962. Features of the home include an unfinished basement, central air conditioning, two fireplaces and a 688 square foot garage. The property has a 2.08-acre or 90,605 square foot site that 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 November 7, 2013 for a price of \$295,000. The appellant disclosed the seller was The Northern Trust Company, Trustee, and the property was sold by agent Dan Rushton. Furthermore, the appellant reported the property had been advertised in the Multiple Listing Service (MLS) and the property had been on the marketed for 651 days. The appellant also submitted a copy of the settlement statement

reiterating the purchase date and price; page two of the document depicted brokers' fees to two entities. 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 \$116,655. The subject's assessment reflects a market value of \$350,210 or \$105.68 per square foot of living area, land included, when using the 2015 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data gathered by the St. Charles Township Assessor's Office. The assessor contended that the subject property sold through an Estate Sale in "As-Is" condition in 2013. A copy of the subject's MLS data sheet was provided which stated in the remarks "needs updating and decorating to bring up to date. Sold as-is" and additional remarks included, "solid home that needs a total redecorating." The listing also reflected the original asking price of \$520,000 which had been reduced to an asking price of \$369,000 before being sold for \$295,000 after being on the market for 651 days.

In the memorandum, the assessor also noted the subject property was not owner occupied and no permits have been obtained by the owner for improvements. The assessor further asserted that the subject's 2013 sale price of \$89.02 per square foot of living area "is well below other sales for similar homes in the subject's neighborhood" and characterized the subject's sale price as an outlier. Prior to the board of review determination, the assessor had placed an assessment of \$131,665 on the subject property reflecting a market value of approximately \$395,272 or \$119.27 per square foot of living area, including land.

In support of its contention of the correct assessment the board of review through the township assessor submitted a grid analysis with information on five comparable sales of properties located from .53 to 1.09-miles from the subject property. The comparable parcels range in size from 19,789 to 89,734 square feet of land area that are improved with two-story frame or frame and brick dwellings that were built between 1966 and 1975. The homes range in size from 2,256 to 3,370 square feet of living area and feature basements, four of which have finished areas and one of which is a walkout style. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 440 to 754 square feet of building area with one comparable having two garages. In addition, comparable #4 also has a 626 square foot pool with pool surround. The comparables sold between March 2012 and July 2014 for prices ranging from \$343,000 to \$510,000 or from \$117.01 to \$152.04 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.

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 the subject's November 2013 sale price and five comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #5 which sold in March 2012, a date more remote in time to the assessment date at issue and less likely to be indicative of the subject's estimated market value as of January 1, 2015. The Board has also given reduced weight to board of review comparable #4 which features a pool, which is not a feature of the subject property.

On this record, the Board finds the best evidence of market value to be the purchase of the subject property in November, 2013 for a price of \$295,000. 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 property was sold by Dan Rushton, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 651 days. The assessor provided a copy of the MLS data sheet reflecting additional information about the sale and advertising of the subject property. In further support of the transaction the appellant submitted a copy of the settlement statement. The Board finds the purchase price of \$295,000 is below the market value reflected by the assessment.

Furthermore, as to the subject sale, the Board finds 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. The assessor's only remarks about the sale were that it was an Estate Sale of a property "sold as-is" that is an outlier to other sales "for similar homes in the subject's neighborhood." However, the Board finds that the assessor did not establish that the "other similar homes" such as board of review comparables #1, #2 and/or #3 were in "as-is" condition at the time of sale or were in need of "updating" or "total redecorating" to bring them up to date like the subject property.

In conclusion, based on this record, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's 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



Acting 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: June 23, 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.