



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

APPELLANT: Donald & Amy Miller
DOCKET NO.: 15-01048.001-R-1
PARCEL NO.: 06-23-182-028

The parties of record before the Property Tax Appeal Board are Donald & Amy Miller, the appellants, 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: \$5,059
IMPR.: \$8,321
TOTAL: \$13,380

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 one-story dwelling of frame construction with 520 square feet of living area. The dwelling was constructed in 1930. Features of the home include a crawl-space foundation and a detached 240 square foot garage. The property has a 5,227 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants completed Section IV – Recent Sale Data of the appeal petition, provided an appraisal of the subject property and submitted information on six comparable sales.

As to the sale of the subject, the appellants reported the subject property was purchased from H.U.D. on December 21, 2012 for a price of \$21,300. The appellants reported that the parties to the transaction were not related, a realtor was involved in the sale of the property and the property was advertised with the Multiple Listing Service for a period of 64 days prior to the

sale. In further support, the appellants provided a copy of the Settlement Statement reiterating the purchase price and date of sale; the document also depicted the distribution of brokers' fees to two realty firms as part of the settlement. The property was a foreclosure.

The appellants also submitted selective pages of an appraisal of the subject property prepared by Cornelia Wismer which was prepared for HUD REO with an estimated market value of \$22,000 as of October 7, 2012. As to the subject dwelling, the appraiser described there was some rotten wood on the exterior, a sloping floor in a center bedroom and no crawl-space access could be found. The appraiser also noted peeling paint and the water meter was missing with threading that was damaged. Utilizing the sales comparison approach, the appraiser opined a market value for the subject of \$22,000. The appraiser utilized three sales of comparables that sold between December 2011 and June 2012 for prices of \$23,000 to \$34,000 or from \$29.11 to \$37.97 per square foot of living area, including land. After adjustments for differences the comparables had adjusted sales prices ranging from \$16,500 to \$25,500.

The appellants also submitted a grid analysis of six comparable sales located from .79 of a mile to 1.55-miles from the subject property. The comparables consist of one-story frame or brick dwellings that were 75 to 140 years old. The homes range in size from 360 to 1,199 square feet of living area. Five of the comparables have basements and one of the comparables has central air conditioning. Four of the comparables have a garage ranging in size from 238 to 400 square feet of building area. The properties sold between January 2012 and August 2015 for prices ranging from \$20,000 to \$24,999 or from \$17.51 to \$63.89 per square foot of living area, including land.

Based on this evidence, the appellants requested an assessment reflective of a market value of \$25,000 for the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,499. The subject's assessment reflects a market value of \$49,532 or \$95.25 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 prepared by the Elgin Township Assessor's Office. The assessor contends that the sale of the subject property occurred in 2012 for cash in 15 days as a foreclosure. As to the appellants' appraisal report, the appraisal was prepared for the purchase of the subject property and considered distressed sales with appraisal sale #2 being a different style of home than the subject. As to the comparable sales presented by the appellants, the assessor contended that the properties were cash sales with short listing times and distressed sales. Comparables #2, #3, #4 and #6 "sold without a garage" and comparable sales #1 through #4 are "quite larger homes."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales located from .13 to .65 of a mile from the subject property. The comparables consist of one-story frame dwellings that were 64 to 115 years old. The homes range in size from 510 to 768 square feet of living area. Four of the comparables have basements and two of the comparables have central air conditioning. Each

comparable has a garage ranging in size from 216 to 324 square feet of building area. The properties sold between September 2012 and November 2014 for prices ranging from \$39,400 to \$108,900 or from \$77.25 to \$154.32 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, the appellants reiterated their assertion that the purchase price of the subject property in December 2012 reflects its fair cash value which was further supported by an appraisal of the property. The appellants further argue that the subject property is inferior to the comparable sales presented by the board of review including, four of those comparables have full basements whereas the subject "sits on wood joists that are situated directly on the dirt ground"; four of the comparables are larger in living area; and four of the comparables have larger land parcels than the subject. The appellants provided listing sheets for the board of review comparable sales. Furthermore, due to the manner of construction of the subject dwelling, the appellants contend that there is major settling and a drastic sloping in a number of areas of the home.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The appellants provided data concerning the December 2012 sales of the subject property that occurred more than 24 months prior to the assessment date at issue. Due to the lack of proximity in time to the assessment date, the Board has given little weight to the sale of the subject property as indicative of its estimated market value as of January 1, 2015.

Likewise, the Board has given little weight to the appraisal of the subject property with an opinion of value as of October 7, 2012, which is even more remote in time to the assessment date at issue and was based upon sales that occurred in December 2011 to June 2012. Due to the lack of proximity in time to the assessment date, the Board has given little weight to the appraisal opinion of value as indicative of the subject's estimated market value as of January 1, 2015.

The parties presented a total of 11 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparables #3 and #4 along with board of review comparable #1 due to the dates of sale being in 2012, as noted above, a date remote in time to the valuation date at issue of January 1, 2015. The Board has also given reduced weight to appellants' comparables #1, #2 and #6 along with board of review comparables #3, #4 and #5 as each of these homes have full or partial basements, a superior feature to the subject dwelling that lacks a basement foundation.

The Board finds the best evidence of market value to be appellants' comparable sale #5 and board of review comparable sale #2. These most similar comparables that have crawl-space foundations and contain 360 and 510 square feet of living area, respectively, sold in June and September 2013 for prices of \$23,000 and \$39,400 or for \$63.89 and \$77.25 per square foot of living area, including land. The subject's assessment reflects a market value of \$49,532 or \$95.25 per square foot of living area, including land, which is above the the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

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.