



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

APPELLANT: Tirell, LLC  
DOCKET NO.: 15-01210.001-R-1  
PARCEL NO.: 03-23-405-001

The parties of record before the Property Tax Appeal Board are Tirell, LLC, the appellant, by attorney Abby L. Strauss of Schiller Strauss & Lavin PC 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 **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:** \$23,323  
**IMPR.:** \$11,923  
**TOTAL:** \$35,246

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 is improved with a one-story dwelling of frame construction with 1,464 square feet of living area. The dwelling was constructed in 1961. Features of the home include central air conditioning, one fireplace and an attached garage with 400 square feet of building area. The property has an 8,712 square foot site and is located in East Dundee, Dundee 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 2, 2013 for a price of \$84,000 or \$57.38 per square foot of living area, including land. The appellant identified the seller as Gerald Benthusen and indicated the parties were not related. The appellant also indicated the property was sold through a Realtor and had been listed for sale in the Multiple Listing Service. To document the sale the appellant provided a copy of real estate contract, a

copy of the settlement statement and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration. The transfer declaration indicated that the transaction was a "short sale." 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 \$35,246. The subject's assessment reflects a market value of \$105,812 or \$72.28 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 support of its contention of the correct assessment the board of review submitted information provided by the township assessor. The assessor asserted that the subject dwelling was upgraded/remodeled since the purchase. The assessor also provided information on four comparable sales improved with one-story dwellings of frame or brick construction that ranged in size from 1,364 to 1,444 square feet of living area. Each comparable has a basement that is partially finished, two comparable have central air conditioning, three comparables have fireplaces and each comparable has a garage ranging in size from 336 to 576 square feet of building area. The sales occurred from June 2012 to October 2014 for prices ranging from \$132,500 to \$180,000 or from \$94.37 to \$126.05 per square foot of living area, including land. The assessor also provided a gross rent multiplier (GRM) grid indicating an average GRM of 5.28. The assessor provided an MLS rental listing for the subject property indicating the property was listed for an asking rent of \$1,669 per month. The listing stated the subject dwelling had an updated kitchen and bathroom.

### **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 Board finds the best evidence of market value in the record to be the comparable sale #2 submitted by the board of review. This comparable was similar to the subject in location, style, construction, age, and land area. The comparable was also similar to the subject in features with the exception it had a basement that was partially finished. This property also sold proximate in time to the assessment date at issue. The comparable sold for a price of \$169,000 or \$117.04 per square foot of living area, including land. The subject's assessment reflects a market value of \$105,812 or \$72.28 per square foot of living area, including land, which is below that established by the best comparable sale in this record. The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue. Additionally, the subject sold for a price of \$84,000 or \$57.38 per square foot of living area, including land. Even though two of the sales provided by the board of review were somewhat dated with reference to the assessment date at issue and another sale was identified as not being "arm's length"; the four comparables provided by the board of review had prices that were significantly

above the subject's purchase price. This price differential tends to establish that the subject's purchase price was not reflective of fair cash value as of the assessment date at issue. The Board further finds the evidence disclosed the subject dwelling was renovated following the purchase, which indicates the subject dwelling was in superior condition as of the assessment date than at the time of the sale. The Board gave less weight to the sales #1 and #4 provided by the board of review as they did not occur proximate in time to the assessment date at issue. The Board also gave less weight to board of review sale #3 as the assessor indicated this was not an arm's length sale. Based on this record the Board finds a reduction in the subject's assessment is not 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



Acting 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: \_\_\_\_\_

May 19, 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.