



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

APPELLANT: TIRELL, LLC
DOCKET NO.: 15-01219.001-R-1
PARCEL NO.: 15-31-352-019

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 **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: \$5,411
IMPR.: \$22,589
TOTAL: \$28,000

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 936 square feet of living area. The dwelling was constructed in 1962. Features of the property include a full basement, central air conditioning and a detached garage with 576 square feet of building area. The property has an 8,250 square foot site and is located in Aurora, Aurora 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 January 24, 2013 for a price of \$74,000. The appellant identified the seller as Efrain Berrios and indicated the parties were not related. The appellant further indicated the property was sold through a Realtor and had been listed for sale in the Multiple Listing Service (MLS). To document the sale the appellant provided a copy of the sales contract, a copy of the settlement statement and a copy of

the PTAX-203 Illinois Real Estate Transfer Declaration, which indicate the property had been advertised for sale. The real estate contract indicated the price was \$55,000 and further indicated 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 of \$74,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,436. The subject's assessment reflects a market value of \$91,372 or \$97.62 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, which included three equity comparables and three comparable sales. As the equity comparables do not address the appellant's overvaluation argument, this evidence will not be further discussed. The three comparable sales were located within .12 of a mile from the subject property. These properties were improved with one-story dwellings of frame construction that had either 936 or 960 square feet of living area. The dwellings were constructed from 1962 to 1979. Each comparable has a basement, two comparables have central air conditioning and each comparable has an attached or detached garage ranging in size from 288 to 594 square feet of building area. The sales occurred from June 2012 to June 2014 for prices ranging from \$92,000 to \$122,000 or from \$98.29 to \$127.08 per square foot of living area, including land.

The appellant submitted rebuttal comments critiquing the board of review submission.

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 evidence in the record supports a reduction to the subject's assessment.

The appellant disclosed the subject property was purchased in January 2013 for a price of \$74,000. The sale is somewhat dated with reference to the assessment date at issue but appears to have the elements of an arm's length transaction. The Board finds that some weight should be given the subject's sale in establishing the subject's assessment as of January 1, 2015. The board of review provided three sales, however, two of the sales were significantly newer than the subject property. Furthermore, two of the sales provided by the board of review were somewhat dated with reference to the January 1, 2015 assessment date at issue. The board of review comparable that was most similar to the subject in age sold in December 2013 for a price of \$92,000 or \$98.29 per square foot of living area, including land. After considering the sale of the subject property and the most similar comparable provided the board of review, the Property Tax Appeal Board finds a reduction to the subject's assessment is appropriate.

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.