



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

APPELLANT: IH3 Property Illinois, LP
DOCKET NO.: 15-01279.001-R-1
PARCEL NO.: 14-35-328-022

The parties of record before the Property Tax Appeal Board are IH3 Property Illinois, LP, the appellant, by attorney Jeffrey G. Hertz, of Sarnoff & Baccash, 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: \$16,829
IMPR.: \$48,164
TOTAL: \$64,993

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 exterior construction with 2,470 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full finished basement, central air conditioning, a fireplace and an attached two-car garage of 400 square feet of building area. The property has an 8,750 square foot site and is located in Montgomery, Sugar Grove 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 August 26, 2014 for a price of \$195,000.¹ The appellant reported in Section IV – Recent Sale Data of the appeal petition that the parties to the transaction were not related, the property was sold by a Realtor with ReMax

¹ Although as part of the appeal petition, counsel reported a sale price of \$295,000, the underlying documentation and brief of counsel reflect a purchase price of \$195,000.

Central and the property was purchased from Mary Meyers after having been advertised with the Multiple Listing Service (MLS). A copy of the MLS listing document was submitted reflecting the property was a short sale and was on the market for 160 days. The document also depicted the last asking price was \$223,800 with an original asking price of \$242,800. The appellant also submitted a copy of the Settlement Statement which reiterated the purchase price, closing date and depicted the distribution of brokers' fees to two entities.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price of \$195,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$75,837. The subject's assessment reflects a market value of \$227,670 or \$92.17 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 through the township assessor submitted information on four comparable sales and four equity comparables. In light of the appellant's overvaluation argument, the equity comparables will not be further addressed in this decision.

The comparable sales are located within .40 of a mile of the subject property. The comparables consist of two-story frame dwellings that were built between 2003 and 2012. The homes range in size from 2,442 to 2,493 square feet of living area with unfinished basements, central air conditioning and a garage ranging in size from 440 to 672 square feet of building area. The comparables sold between January 2012 and May 2014 for prices ranging from \$205,665 to \$252,000 or from \$83.83 to \$102.90 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 Board finds the best evidence of market value to be the purchase of the subject property in August, 2014 for a price of \$195,000. 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 parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service with documentation that it had been on the market for 160 days. In further support of the transaction the appellant submitted a copy of the settlement statement/closing

statement. The Board finds the purchase price of \$195,000 is below the market value reflected by the assessment of \$227,670.

Furthermore, the Board finds the board of review did not present any evidence to challenge the arm's length nature of the subject's sale transaction or to refute the contention that the purchase price was reflective of market value at the time of sale. In addition, the board of review submitted three dated sales that occurred in 2012 or 2013 which dates are remote in time and unlikely to be indicative of the subject's estimated market value as of January 1, 2015. Lastly, the Board finds that one comparable sale that occurred in May 2014 is insufficient to overcome the data presented by the appellant of a recent arm's length sale transaction of the subject property for \$195,000 which was not challenged by the board of review.

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



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: July 21, 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.