



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

APPELLANT: Santiago Martinez  
DOCKET NO.: 15-01337.001-R-1  
PARCEL NO.: 06-35-407-008

The parties of record before the Property Tax Appeal Board are Santiago Martinez, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry; 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:** \$9,348  
**IMPR.:** \$1,652  
**TOTAL:** \$11,000

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 consists of a 1-story dwelling of frame construction with 1,082 square feet of living area. The dwelling was constructed in 1919 with three additions added. The dwelling is on a crawl-space foundation constructed partly of stone, part block and part poured concrete. Features of the home include central air conditioning. The property has a 16,988 square foot site and is located in South Elgin, Elgin 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 December 6, 2013 for a price of \$33,000 or \$30.50 per square foot of living area, including land. The dwelling was purchased from the Federal Home Loan Mortgage Corporation, through a realtor, was advertised through the Multiple Listing Service, and had been on the market 159 days. The sale was not between family or related corporations. The appellant also submitted a Property History Report

indicating the initial asking price of the property of \$84,900 had been reduced six times between June 2013 and November 2013 before it finally sold in December 2013 for \$33,000. The appellant also submitted the Real Estate Sales Contract, which included a home inspection report that stated the subject was in need of structural repairs. The front wood deck needed replaced. The floor joists on the original house were 2x6" and were bowing, the floor joists under 2/3 of the home were undersized and were no longer adequate to support the dwelling, and the floor joists have signs of water damage, fire damage, and carpenter ant damage. The stone foundation is in very poor condition and the other foundations have footing issues. The inspector concluded it needed a complete gut job with extensive framing and foundation work. The appellant stated that improvements had been made to the subject after purchase including replacing flooring and painting the interior and deck. 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 \$35,342. The subject's assessment reflects a market value of \$106,100 or \$98.06 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 on five comparable sales. They are described as 1-story dwellings of frame construction built between 1900 and 1962. They range in size from 720 to 1,008 square feet of living area. They feature basements and garages. Two feature central air conditioning and one has a fireplace. These comparables sold between March 2012 and August 2014 for prices ranging from \$93,000 to \$131,000 or from \$99.36 to \$181.94 per square foot of living area land included. Two comparables were short sales and one was a flip, purchased in November 2013 for \$53,299 and re-sold in August 2014 for \$131,000. The comparables had sites than ranged in size from 7,920 to 12,196 square feet of land area.

In rebuttal, the appellant states that the board of review comparables were in better condition than the subject and/or had finished basements when compared to the subject's crawl space foundation.

### **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 appellant provided evidence that the subject property sold in December 2013 for a price of \$33,000 or \$30.50 per square foot of living area, including land. The board of review submitted five comparable sales. Less weight was given to the board of review comparables based on their better condition and/or their finished basements as compared to the subject's crawl space foundation with structural issues. The Board finds the best evidence of market value to be the

purchase of the subject property in December 2013 for a price of \$33,000. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing that the property was purchased from the Federal Home Loan Mortgage Corporation, the parties to the transaction were not related, the property was sold using a realtor, the property had been advertised on the open market through Multiple Listing Service and it had been on the market for 159 days. The asking price had been lowered six times between the initial listing and the sale. In further support of the transaction the appellant submitted a copy of the settlement statement and the sales contract. The appellant submitted evidence that the dwelling was in poor structural condition which was not refuted by the board of review. The Board finds the purchase price is below the market value reflected by the assessment and that the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Therefore, a reduction in the subject's assessment commensurate with the appellant's request 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



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.