



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

APPELLANT: David Santoro Grotto Properties, LLC
DOCKET NO.: 15-01349.001-R-1
PARCEL NO.: 06-13-404-005

The parties of record before the Property Tax Appeal Board are David Santoro Grotto Properties, LLC, the appellant, by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$6,137
IMPR.: \$28,859
TOTAL: \$34,996

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 part 1-story and part 2-story dwelling of frame construction with 1,618 square feet of living area. The dwelling was constructed in 1884. Features of the home include a full unfinished basement and a 400 square foot detached garage. The property has a 4,147 square foot site and is located in 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 September 1, 2013 for a price of \$30,700 or \$18.97 per square foot of living area including land. The dwelling was purchased from the owner on record, an individual. The subject was advertised through the multiple listing service and purchased through a realtor. No information was given regarding the time the subject had been on the market. The sale was not between family or related

corporations. The appellant also submitted a Settlement Statement, an MLS listing sheet and a "Listing and Property History Report" from the ConnectMLS web site for the subject.

The appellant also submitted a grid analysis of nine sales comparables. The comparables had features with varying degrees of similarity when compared to the subject. They were part 1-story and part 2-story dwellings built from 1875 to 1900 and ranging in size from 1,392 to 1,741 square feet of living area. These sales occurred from March 2014 through December 2015 for prices ranging from \$42,100 to \$86,500, or from \$25.19 to \$53.79 per square foot of living area including land. The comparables were located .09 to 1.15 miles from the subject. 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 \$34,996. The subject's assessment reflects a market value of \$105,062 or \$64.93 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 twelve sales comparables. The comparables had features with varying degrees of similarity when compared to the subject. They were part 1-story and part 2-story dwellings built from 1882 to 1928 and ranging in size from 1,408 to 1,708 square feet of living area. These sales occurred from January 2013 through November 2014 for prices ranging from \$93,000 to \$184,900, or from \$61.06 to \$112.33 per square foot of living area including land. One comparable was a short sale and one was an estate sale. The board of review reported the sale of the subject on September 1, 2013 was a foreclosure also. The comparables were located .24 to 1.34 miles from the subject. The board of review also submitted a property record card for the subject.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's counsel states "pursuant to 35 ILCS 200/16-183, PTAB shall consider compulsory sales as valid comparable sales" and criticizes PTAB's use of ranges, suggesting instead the use of median would be more accurate. A grid analysis highlighting the differences between the board of review comparables and the subject was also included.

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.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value

because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellant's counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The board of review stated in their Notes on Appeal that "The nature of the 2015 appeal is based on a purchase of the property in 2012." However, the appellant cites the September 1, 2013 sale in Part IV – Recent Sale Data of the appeal. The property record card submitted by the board of review lists two sales, one occurring on June 1, 2012 for \$35,000, which was a foreclosure sale, and one occurring 15 months later on September 1, 2013 for \$30,700. The MLS listing sheet provided by both parties related to the June 2012 sale, not the September 2013 sale. It described the 2012 sale as "REO/Lender Owned, Pre-Foreclosure". The "Listing and Property History Report" submitted by the appellant also related to the June 2012 sale rather than the 2013 sale, and showed the subject sold in 2012 for more than the asking price having been on the market only 15 days. The board of review also indicates the subject was rehabbed after the 2012 sale, and cited City of Elgin permits #2012-18439, 2012-19883, and 2013-27391. The board of review attached exterior photos to document this claim. Neither party submitted MLS listing data on the 2013 sale.

The appellant did provide the Settlement Statement, documenting that the subject was purchased on September 17, 2013 from an individual for \$30,700, or \$4,300 less than the dwelling sold for 15 months earlier and prior to renovations requiring three different permits. The appellant claims the 2013 sale was handled by a realtor but the Settlement Statement shows no commissions were paid at the time of closing. The appellant did not provide information as to how long the subject was on the market in 2013. The Board finds the incomplete and inconsistent information provided by the appellant calls into question the arm's-length nature of the sale, and correspondingly, whether the sale price is truly representative of the market value. The Board gives little weight to the recent sale argument.

Both parties submitted 21 comparable sales which were similar to the subject in location, style, construction, age and dwelling size. They ranged in price from \$25.19 to \$112.33 per square foot of living area including land. The Board finds the subject's market value of \$64.93 per square foot of living area, land included, falls within the middle of the range established by the 21 sales submitted by both parties. Based on this record, the Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued, and 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



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.