



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

APPELLANT: Donna Gould Jessen Mid Holdings, LLC
DOCKET NO.: 15-01352.001-R-1
PARCEL NO.: 06-24-154-003

The parties of record before the Property Tax Appeal Board are Donna Gould Jessen Mid Holdings, 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: \$5,426
IMPR.: \$29,497
TOTAL: \$34,923

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 1,581 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full unfinished basement and central air conditioning. The property has a 2,460 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence in the form of a foreclosure sale receipt from the Kane County Sheriff's Office disclosing the subject sold out of foreclosure on October 11, 2012 for a price of \$40,200 or \$25.43 per square foot of living area, including land. The appellant completed Section IV - Recent Sale Data of the appeal indicating the subject was purchased from owner of record and was advertised through a sign, internet and/or auction. The sale was not between family or related corporations.

The appellant also submitted a grid analysis of eight comparable sales. 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 1890 to 1900 and ranging in size from 1,392 to 1,844 square feet of living area. These sales occurred from February 2014 through December 2015 for prices ranging from \$33,000 to \$67,000, or from \$21.75 to \$43.79 per square foot of living area including land. 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 \$34,923. The subject's assessment reflects a market value of \$104,842 or \$66.31 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 eight comparable sales. They are described as part 1-story and part 2-story dwellings of frame construction built between 1873 and 1938. They feature basements, three of which have finished area. Six of the comparables have central air conditioning and four have fireplaces. Seven of the comparables feature garages. These comparables sold between August 2012 and December 2014 for prices ranging from \$110,000 to \$178,000 or from \$74.53 to \$107.55 per square foot of living area. The board of review also submitted the property record card for the subject indicating the property sold at auction.

In rebuttal, the appellant's counsel states that the board of review did not object to any of the appellant's comparables, and enumerated the differences between the board of review comparable sales and the subject. The appellant's counsel also states that a "2012 sale is too remote in time to establish market value as of 1/1/2015." The appellant further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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 appellant's 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 agrees with the appellant's claim that a 2012 sale calls into question whether the sale is indicative of fair cash value for an assessment date of January 1, 2015. The Board gave little weight to the subject's sale due to the fact the appellant failed to establish that the purchase had the elements of an arm's length transaction especially in light of the fact the property sold at a Sheriff's Sale indicating this was not a transaction between a willing seller and a willing buyer but sold out of distress at a public auction. The Board finds the best evidence of market value in the record to be appellant's comparable sales #1, #2, #5 and #7 and board of review comparable sales #2 and #5. These comparables sold from July 2013 to March 2015 for prices ranging from \$21.75 to \$107.55 per square foot of living area, including land. They were close in proximity to the subject and similar to the subject in style, construction, age and size. These properties also sold more proximate in time to the assessment date at issue. The subject's assessment reflects a market value of \$66.31 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Less weight was given to appellant's sales #3, #4, #6 and #8 and board of review sales #1, #3, #4, #6, #7 and #8 based on older sale date, more distant location, and/or finished basement when compared to the subject's unfinished basement. 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



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.