



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

APPELLANT: Scott M. Schwebach
DOCKET NO.: 15-01358.001-R-1
PARCEL NO.: 06-14-330-001

The parties of record before the Property Tax Appeal Board are Scott M. Schwebach, the appellant, by 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 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: \$13,269
IMPR.: \$15,043
TOTAL: \$28,312

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 story dwelling of frame construction with 1,842 square feet of living area. The dwelling was constructed in 1915. Features of the home include a full unfinished basement and a 360 square foot detached garage. The property has a 17,424 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 completed Section IV - Recent Sale Data of the appeal and submitted a Settlement Statement and a PTAX-203 Illinois Real Estate Transfer Declaration disclosing the subject property was purchased on March 30, 2015 for a price of \$84,944 or \$46.12 per square foot of living area, including land, from a bank, through two realtors, and the sale was advertised and not between family or related corporations. The appellant also submitted an MLS Listing Sheet for the subject indicating the subject was a foreclosure and had been on the market 356 days. The

appellant also submitted a Listing and Property History Report that showed the subject originally listed for \$135,000 in March 2014, then underwent a series of price increases and decreases with the asking price dropping as low as \$64,000 in November 2014. The asking price was raised back to the original \$135,000 before the subject sold for \$84,944. 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 \$51,052. The subject's assessment reflects a market value of \$153,263 or \$83.20 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. These comparables sold from February 2014 through January 2015 for prices ranging from \$155,000 to \$220,000 or from \$90.12 to \$124.50 per square foot of living area land included. The board of review also included a memorandum from the Elgin Township assessor reporting the subject was purchased as an investment property, on the market for 356 days, was a foreclosure and sold for cash in as-is condition. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant claims the board of review does not dispute the recent sale of the subject, nor does it provide any evidence that the recent sale was not valid.

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 out of foreclosure in March 2015 for a price of \$84,944 or \$46.12 per square foot of living area, including land. The Board finds the appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant submitted a Settlement Statement and completed Section IV - Recent Sale Data of the appeal disclosing that the property was purchased from a bank, the parties to the transaction were not related, the property was sold using two realtors, the property had been advertised and had been on the market 356 days. The Board finds the best evidence of market value to be the purchase of the subject property in March 2015 for a price of \$84,944. 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. The Board gave less weight to the board of review comparable sales. These sales do not overcome the subject's arm's-length sale price. Therefore, a reduction in the subject's assessment to reflect the purchase price 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.