



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

APPELLANT: Jerry Rusin
DOCKET NO.: 15-01370.001-R-1
PARCEL NO.: 09-15-456-009

The parties of record before the Property Tax Appeal Board are Jerry Rusin, 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: \$14,999
IMPR.: \$2,149
TOTAL: \$17,148

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 on a crawl-space foundation. The dwelling was constructed in 1930 and contains 936 square feet of living area. Features of the home include central air conditioning and a 440 square foot detached garage. The property has a 7,187 square foot site and is located in St. Charles, St. Charles 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 disclosing the subject property was purchased out of foreclosure on December 18, 2014 for a price of \$51,450 or \$54.97 per square foot of living area, including land. The subject was purchased through two realtors, from Fannie Mae, and was advertised through the Multiple Listing Service (MLS). The sale was not between family or related corporations. The appellant also submitted an MLS Listing Sheet indicating the subject had been on the market for 303 days.

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 \$42,650. The subject's assessment reflects a market value of \$128,040 or \$136.79 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. These comparables sold from July 2013 through February 2015 for prices ranging from \$83,800 to \$130,000 or from \$128.73 to \$169.62 per square foot of living area land included. The board of review also included a memorandum from the St. Charles Township assessor reporting the subject was a special warranty deed and therefore was not included in sales ratio studies by the township, the county or the Illinois Department of Revenue. 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 December 2014 for a price of \$51,450 or \$54.97 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, an MLS Listing Sheet and completed Section IV - Recent Sale Data of the appeal disclosing that the property was purchased from Fannie Mae, the parties to the transaction were not related, the property was sold using two realtors and the property had been advertised on MLS and had been on the market 303 days. The Board finds the best evidence of market value to be the purchase of the subject property in December 2014 for a price of \$51,450. 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 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



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.