



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

APPELLANT: Donna Gould Jessen Mid Holdings, LLC
DOCKET NO.: 15-01376.001-R-1
PARCEL NO.: 06-14-409-009

The parties of record before the Property Tax Appeal Board are Donna Gould Jessen Mid Holdings, LLC, 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 **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: \$11,131
IMPR.: \$27,218
TOTAL: \$38,349

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 two-story dwelling with 1,822 square feet of living area divided into two apartment units. The dwelling was constructed in 1880. Features of the home include an unfinished basement and a detached 400 square foot garage. The property has a 17,846 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 Foreclosure Sale Receipt from the Kane County Sheriff's Office disclosing the subject property was purchased at a sheriff's sale on October 30, 2014 for a price of \$54,189.91 or \$27,094.96 per apartment unit, including land. The appellant reported the sale was not between family or related corporations and was advertised with a sign, internet and/or auction. 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 \$38,349. The subject's assessment reflects a market value of \$115,128 or \$57,564 per apartment unit, 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 17 comparable sales of 1, 1½ and/or 2-story frame and/or masonry dwellings each containing two apartment units. These comparables range in size from 1,119 to 2,714 square feet of living area and sold from May 2013 through March 2015 for prices ranging from \$106,000 to \$175,000 or from \$53,000 to \$87,500 per apartment unit land included. The board of review also submitted an MLS Listing Sheet for the subject indicating the subject had undergone "complete renovation" and was on the market in November 2015 with a list price of \$163,000. 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant provided evidence that the subject property sold at a sheriff's sale in October 2014 for a price of \$54,189.91 or \$27,094.96 per apartment unit, including land. The appellant did not provide any information on the dwelling's construction, style, or features. The appellant did not submit a settlement statement or a PTAX-203 Illinois Real Estate Transfer Declaration to document the specifics of the sale, nor did the appellant disclose how long the subject had been advertised. The Board finds the appellant did not provide sufficient evidence that the sale had elements of an arm's length transaction. The Board finds the best evidence of market value to be sales comparables #7, #9, #11 and #12 submitted by the board of review. These dwellings were built between 1870 and 1920 and range in size from 1,812 to 2,048 square feet of living area. Each contains two apartment units. These comparables sold from May 2014 through January 2015 for prices ranging from \$106,000 to \$145,000 or from \$53,000 to \$72,500 per apartment unit including land. The subject's assessment reflects a market value of \$115,128 or \$57,564 per apartment unit, including land, which is within and on the lower end of the range established by the best comparable sales in this record and further demonstrates the sale price is not indicative of market value. Less weight was given to board of review sales #1-#6, #8, #10, and #13-#17 based on older sale date, dwelling size, age and/or style as compared to the subject. 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.