



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

APPELLANT: Michael & Betty Dimonte
DOCKET NO.: 15-01405.001-R-1
PARCEL NO.: 15-11-254-005

The parties of record before the Property Tax Appeal Board are Michael & Betty Dimonte, the appellants, 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: \$10,881
IMPR.: \$38,447
TOTAL: \$49,328

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 multi-level single-family dwelling of frame and masonry exterior construction with 2,300 square feet of living area. The dwelling was constructed in 1969. Features of the home include a partial basement, central air conditioning, a fireplace and a 575 square foot garage. The property has a 12,632 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on June 26, 2014 for a price of \$148,000 as depicted in the copy of the Settlement Statement that was submitted which also depicted the payment of brokers' fees to two entities. The appellants disclosed the subject property was purchased from unrelated parties and the property was sold through a Realtor, having been listed in the Multiple Listing Service (MLS). A copy of the listing sheet was

provided indicating that the property had been advertised for sale for 285 days, was available for cash financing and was a short sale. A copy of the Listing & Property History Report also depicted the original listing date of June 14, 2013 with an asking price of \$175,000. Additional documentation included a copy of the PTAX-203 Illinois Real Estate Transfer Declaration concerning the sale of the subject.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the June 2014 purchase price of \$148,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,995. The subject's assessment reflects a market value of \$165,002 or \$71.74 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

In response to the appeal and in support of its contention of the correct assessment, the board of review submitted a memorandum and data prepared by David R. Offutt, Aurora Township Assessor. The assessor's data reports the subject property was sold in July 2014 for \$148,000, although the assessor noted the sale was a short sale which sold "as is." The assessor provided a grid analysis of three equity comparables and a second grid analysis of three comparable sales. As the equity data is not responsive to the appellants' overvaluation argument, the equity evidence will not be further addressed in this decision.

The memorandum asserted the comparable sales were "used in revaluing this property." The comparable sales were located within .57 of a mile of the subject and consist of a split-level and two, two-story dwellings of frame construction that were built between 1979 and 1989. The homes range in size from 2,440 to 2,646 square feet of living area. Two of the comparables have basements and each has a fireplace and a garage ranging in size from 400 to 576 square feet of building area. The comparables sold between May 2012 and May 2014 prices ranging from \$199,900 to \$239,000 or from \$81.93 to \$92.95 per square foot of living area, including land.

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

In written rebuttal, counsel for the appellants noted that the board of review did not provide evidence disputing the arm's length sale. Additionally, it was argued that the board of review's evidence was not responsive or relevant to the "recent sale" basis of the appeal.

Conclusion of Law

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

As to appellants' rebuttal argument concerning the relevance of comparable sales in response to the appellants' recent sale argument, the Board finds that procedural rules concerning the burdens

of proof on a market value appeal (86 Ill.Admin.Code §1910.63(e)) along with the requirements of documentary evidence on a market value appeal (86 Ill.Admin.Code §1910.65(c)) support the board of review's submission of comparable sales in response to the appellants' recent sale data.

Having examined the entire record, the Board finds the best evidence of market value to be the purchase of the subject property in June, 2014 for a price of \$148,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants partially completed Section IV - Recent Sale Data of the appeal along with several documents that disclosed the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 285 days.

Furthermore, the Property Tax Appeal Board finds the purchase price of \$148,000 is below the market value reflected by the assessment of \$165,002. The Board also finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the June 2014 purchase price was reflective of market value.

The Board has given little weight to the three comparable sales presented by the board of review. Comparable sales #2 and #3 differ from the subject in design and comparable #3 sold in May 2012, a date remote in time to the valuation date at issue of January 1, 2015. Furthermore, board of review comparable #1 is dissimilar to the subject as it lacks a basement and this property is ten years newer than the subject.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellants' 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



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: January 27, 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.