



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

APPELLANT: MID Holdings, LLC c/o Donna Gould Jessen
DOCKET NO.: 15-01428.001-R-1
PARCEL NO.: 06-14-403-025

The parties of record before the Property Tax Appeal Board are MID Holdings, LLC c/o Donna Gould Jessen, 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: \$5,451
IMPR.: \$24,203
TOTAL: \$29,654

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 one-story and part two-story, multi-family dwelling of frame construction with 1,462 square feet of living area. The dwelling was constructed in 1863. Features of the dwelling include two apartments, a full unfinished basement and a detached 324 square foot garage. The property is located in Elgin, Elgin Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted limited evidence disclosing the subject property was purchased in September 2012 for a price of \$42,409. The appellant also submitted a limited market analysis with information on six comparable sales. The report was dated February 29, 2016 and was prepared by ProTaxAppeal. The report was not signed nor were the credentials of the person(s) who prepared the report disclosed. The comparables were described as part one-story and part two-story, multi-family dwellings that were located from 0.06 to 1.09 miles from the subject. The

comparables were constructed from 1880 to 1925, and they range in size from 1,267 to 1,822 square feet of living area. Each comparable had two apartment unit and a basement. The appellant did not provide any information on the comparables' land area and exterior construction. The comparables sold from April 2014 to March 2015 for prices that ranged from \$45,000 to \$68,120 or from \$29.74 to \$43.22 per square foot of living area, land included, or from \$22,500 to \$34,060 per apartment unit. The appellant's analysis also included "Property Equalization Values" that made adjustments to the sale prices for differences in sale date, land market value, age, square footage and features. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted. Based on the Property Equalization Values, the analysis conveyed a value estimate for the subject property of \$35,377. Based on the subject's 2012 sale and the market analysis, the appellant requested a reduction in the subject's assessment to \$11,791.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$29,654. The subject's assessment reflects a market value of \$89,024 or \$60.89 per square foot of living area, land included, or \$44,512 per apartment unit, 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. The board of review also disclosed that the 2015 tax year was the first year of a new general assessment cycle for Kane County.

In response to the appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor noted the appellant's comparables were "distressed sale comparables that sold for cash in as-is condition." The township assessor submitted information on 17 comparable sales improved with multi-family dwellings with five different designs: one-story, one and one-half story, part one-story and part one and one-half story, two-story, or part one-story and part two-story. The dwellings had frame, brick, brick and frame, or concrete block exterior construction. The dwellings ranged in size from 1,119 to 2,714 square feet of living area and were constructed from 1870 to 1987. Each comparable had two apartment units and a basement. The board of review did not provide information on the comparables' proximity to the subject property. The comparables had sites ranging in size from 4,356 to 15,682 square feet of land area. The comparables sold from May 2013 to March 2015 for prices ranging from \$106,000 to \$175,000 or from \$48.37 to \$120.64 per square foot of living area, including land, or from \$53,000 to \$87,500 per apartment unit.

The township assessor also developed an estimate of value using rental income from 23 properties to develop a gross rent multiplier of 6 which was applied to an annual estimated income for the subject property of \$18,000 to arrive at an estimated market value of \$108,000 or \$54,000 per apartment unit. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal brief.

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 Board finds the appellant submitted a limited market analysis report with adjustments to the comparables' sale prices for differences from the subject property. The Board finds this report was not signed and the appellant made no attempt to provide an explanation for these calculations. Consequently, the Board gave no weight to the appellant's market analysis.

The Board also gave little weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is other credible market value data available.

The Board considered the subject's recent sale and the 23 comparable sales presented by the parties. The Board finds that the subject and all of the comparable sales were multi-family dwellings with two apartment units. However, the Board gave less weight to the subject's September 2012 sale because it occurred over two years prior to the January 1, 2015 assessment date. The Board also gave less weight to three of the appellant's comparable sales and thirteen of the comparable sales presented by the board of review. The appellant's comparables #1, #5 and #6 were significantly newer than the subject. Five of the board of review comparables (#2, #5, #10, #15 and #16) sold in 2013 and were considered to be dated in relation to the subject's January 1, 2015 assessment date; ten of the board of review's comparables (#8 through #17) had significantly more living area than the subject; and five of the board of review's comparables (#2, #4, #8, #12 and #16) were significantly newer. Consequently, the Board finds that three of the appellant's comparable sales (#1, #5 and #6) and thirteen of the board of review comparable sales (#2, #4, #5 and #8 through #17) were not shown to be sufficiently similar to the subject property.

The Board finds the best evidence of market value in the record to be the appellant's comparables #2 through #4 and board of review comparables #1, #3, #6 and #7. The Board finds these seven properties sold proximate to the January 1, 2015 assessment date and, despite differences in design, were similar to the subject in age and living area. These comparables sold from May to December 2014 for prices that ranged from \$54,000 to \$135,000 or from \$27,000 to \$67,500 per apartment unit. The subject's assessment reflects a market value of \$89,024 or \$44,512 per apartment unit, which is within the range established by the best comparable sales in this record. Based on this evidence, 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



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: August 18, 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.