



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

APPELLANT: Kirk Hodge  
DOCKET NO.: 15-01430.001-R-1  
PARCEL NO.: 06-14-105-009

The parties of record before the Property Tax Appeal Board are Kirk Hodge, 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:** \$10,930  
**IMPR.:** \$38,835  
**TOTAL:** \$49,765

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 one and one-half story dwelling of brick construction with 1,638 square feet of living area. The dwelling was constructed in 1927. Features of the home include a full basement with 200 square feet of finished area, central air conditioning, a fireplace and a detached one-car garage. The property has a 6,996 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 submitted evidence disclosing the subject property was purchased on January 14, 2014 for a price of \$68,250. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was OOR, owner of record; the parties to the transaction were not related; the property was sold by a realtor; the property had been advertised on the open market with the Multiple Listing Service (MLS); and the seller's mortgage was not assumed. In further support of the transaction, the appellants submitted copies of the settlement statement and the MLS data

sheet. The settlement statement disclosed the seller was a financial entity and commissions were paid to two realty firms. The MLS data sheet disclosed the subject was listed for sale on November 12, 2013 at a price of \$85,000. After 25 days on the market, the property sold for a price of \$68,250. Based on this evidence, the appellants 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 \$49,765. The subject's assessment reflects a market value of \$149,400 or \$91.21 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 response to the appeal, the board of review presented a memorandum and data prepared by the Elgin Township Assessor. The township assessor submitted information on four sales that sold from July to December 2014 for prices that ranged from \$135,000 to \$190,000 or from \$97.19 to \$121.48 per square foot of living area, land included. The comparables consist of one and one-half story dwellings of frame or brick construction. The comparables were constructed from 1933 to 1940 and contain from 1,350 to 1,623 square feet of living area. In the memorandum, the assessor stated that the subject was purchased as a foreclosure. The assessor's comparable #2 was listed as a Bank REO property. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellants' 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 best evidence of market value in the record to be the four comparable sales submitted by the board of review. These comparables were similar to the subject in location, design, exterior construction, age, living area, features and land area. Moreover, these properties sold more proximate in time to the assessment date at issue. The comparables sold from July to December 2014 for prices that ranged from \$135,000 to \$190,000 or from \$97.19 to \$121.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$149,400 or \$91.21 per square foot of living area, including land, which falls below the range established on a per square foot basis by the best comparable sales in this record. The Board gave less weight to the subject's sale because it did not occur proximate to the January 1, 2015 assessment date. The subject sold in January 2014, which was nearly a year prior to the January 1, 2015 assessment date. Based on this record, the Board finds the subject's assessment is reflective of market value and 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.