



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

APPELLANT: Abner Catugy
DOCKET NO.: 15-01435.001-R-1
PARCEL NO.: 06-13-380-004

The parties of record before the Property Tax Appeal Board are Abner Catugy, 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: \$5,181
IMPR.: \$9,484
TOTAL: \$14,665

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 dwelling of frame construction with 1,392 square feet of living area. The dwelling was constructed in 1890. Features of the home include a full basement and a 186 square foot open frame porch. The property has a 4,628 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 June 27, 2014 for a price of \$44,000. The appellants partially completed Section IV – Recent Sale Data of the appeal form disclosing the seller was OOR (owner of record); the parties to the transaction were not related; the property was sold using a realtor; and the property had been advertised for sale on the open market with the Multiple Listing Service (MLS). To document the transaction, the appellants submitted a copy of the disbursement statement, the MLS data sheet and the subject's listing and property history report. The disbursement statement revealed commissions were paid to two

realty firms. The MLS data sheet and the listing history report revealed the subject was listed for sale on April 23, 2014 at a price of \$39,900. After 62 days on the market, the subject property sold for a price of \$44,000. 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 \$30,641. The subject's assessment reflects a market value of \$91,987 or \$66.08 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.

As part of the submission, the board of review provided a memorandum prepared by the Elgin Township Assessor. The assessor stated the subject property "is not owner occupied and is an income producing property". The assessor submitted information on seven comparable sales improved with part one-story and part two-story dwellings of frame construction. The comparables were located from 0.36 to 1.88 miles from the subject property. The dwellings ranged in size from 1,138 to 1,442 square feet of living area and were constructed from 1900 to 1928. Each comparable had a full basement with two having finished area; four comparables had central air conditioning and five comparables had garages. The comparables had sites ranging in size from 3,036 to 10,323 square feet of land area. The comparables sold from December 2012 to November 2014 for prices ranging from \$89,900 to \$138,000 or from \$68.94 to \$121.27 per square foot of living area. 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property on June 27, 2014 for a price of \$44,000. The appellant provided evidence demonstrating the sale had several of the elements of an arm's length transaction. The appellant partially completed Section IV - Recent Sale Data of the appeal form, disclosing the parties to the transaction were not related, a realtor handled the transaction, and the property had been advertised on the open market. In further support of the transaction, the appellant submitted a copy of the MLS data sheet and a listing history report. The MLS data sheet and the listing history report revealed the property was listed for sale on April 23, 2014 at a price of \$39,900. After 62 days on the market, the subject property sold for a price of \$44,000. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review did not challenge the arm's length nature of the transaction and was not able to refute the contention that the subject's purchase price was reflective of market value. The board of review presented seven comparable sales as being more reflective of market value. However, comparables #1 through #4 sold in 2012 or 2013 and were considered to be dated in relation to the January 1, 2015 assessment date. Six of the comparables (#1 through #4, #6 and #7) were located over one-half mile from the subject. Although board of review comparable #6 was similar to the subject in many characteristics, this property sold in February 2014. The Board finds that this sale date was not as proximate to the January 1, 2015 assessment date as the sale of the subject on June 27, 2014. Consequently, the Board finds the board of review did not refute the fact that the appellant's property was the subject matter of a sale involving unrelated parties after being exposed on the open market. The Board finds the subject's listing history and June 2014 sale price of \$44,000 to be more accurate indicators of the subject's market value as of the January 1, 2015 assessment date.

Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is justified.

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.