



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

APPELLANT: Jose A. Alvarez
DOCKET NO.: 15-01655.001-R-1
PARCEL NO.: 06-13-207-007

The parties of record before the Property Tax Appeal Board are Jose A. Alvarez, 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: \$5,404
IMPR.: \$10,661
TOTAL: \$16,065

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-story dwelling of frame construction with 889 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full basement with 200 square feet of finished area and a 370 square foot garage. The property has a 3,750 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 September 30, 2014 for a price of \$48,200. The appellant's evidence revealed the seller was Fannie Mae; the parties to the transaction were not related; the property had been advertised on the open market with the Multiple Listing Service (MLS); and it was on the market for 45 days prior to its sale. To document the transaction, the appellant submitted copies of the settlement statement (HUD-1), the Illinois Real Estate Transfer Declaration (PTAX-203), the MLS data sheet, and a property

listing and history report for the subject property. The settlement statement reiterated the sale date and price but did not disclose that any commissions being paid to realty firms. The MLS data sheet and the listing history report revealed the subject was listed for sale for \$54,900 on August 4, 2014; the price was reduced to \$46,900 on September 8, 2014; and a sales contract was signed on September 17, 2014 with a price of \$48,200. The MLS data sheet also revealed that the subject property was in need of repairs. 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 \$26,243. The subject's assessment reflects a market value of \$78,784 or \$88.62 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 noted the subject sold as a foreclosure on a cash only basis and stated the subject's sale price should not be "considered when valuing the property" because it would not be considered in any sales ratio study. The assessor submitted information on four comparable sales improved with one-story dwellings of frame construction. The comparables were located from 0.47 to 1.22 miles from the subject property. The dwellings ranged in size from 820 to 924 square feet of living area and were constructed from 1898 to 1956. Each comparable had a full basement with one having finished area; three comparables had central air conditioning; and three comparables had garages. The comparables had sites ranging in size from 6,600 to 9,591 square feet of land area. The comparables sold from September 2013 to July 2014 for prices ranging from \$75,000 to \$95,000 or from \$85.50 to \$114.18 per square foot of living area. The assessor's evidence also revealed that comparable #1 "needs work" and comparable #2 sold as a short sale on a cash only basis. 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 September 30, 2014 for a price of \$48,200. The appellant provided evidence demonstrating the sale had several of the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal form, disclosing the parties to the transaction were not related 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. This information revealed the property was in need of repair and had been on the market for 45

days before it sold. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review attempted to challenge the arm's length nature of the transaction but was not able to refute the contention that the subject's purchase price was reflective of market value. The board of review tried to undermine the subject's recent sale price by stating it was a foreclosure; however, board of review comparable #2 was also described as a compulsory sale. The board of review presented four comparable sales as being more reflective of market value. However, comparable #1 sold in 2013 and was considered to be dated in relation to the January 1, 2015 assessment date. Three of the comparables (#1, #3 and #4) were not located near the subject. Moreover, the Board finds the board of review comparables were superior to the subject. All four properties had considerably more land area than the subject, and comparables #2 through #4 had central air conditioning and were significantly newer than the subject. Consequently, the Board finds the sales provided by the board of review did not refute the fact that the subject property was the subject matter of a sale involving unrelated parties after being exposed on the open market. Based on this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is 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: July 21, 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.