



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

APPELLANT: Austin Holdings c/o Timothy Ramseyer & Patrick Koziol  
DOCKET NO.: 15-01667.001-R-1  
PARCEL NO.: 06-24-478-007

The parties of record before the Property Tax Appeal Board are Austin Holdings c/o Timothy Ramseyer & Patrick Koziol, 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:** \$6,700  
**IMPR.:** \$3,091  
**TOTAL:** \$9,791

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 one and one-half story dwelling of frame construction with 726 square feet of living area. The dwelling was constructed in 1923. Features of the home include a full unfinished basement and a detached two-car garage. The property has a 7,705 square foot site and is located in Elgin, Elgin 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 July 28, 2014 for a price of \$29,375. The appellants 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 the owner; the property had been advertised on the open market with a "sign, internet and/or auction". In further support of the transaction, the appellants submitted copies of the settlement statement and the Illinois Real Estate Transfer Declaration (PTAX-203). The

settlement statement reiterated the sale date and price and disclosed the seller was the Bank of New York and a commission was paid to two realty firms. The transfer declaration revealed that the subject had been advertised for sale. 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 \$22,797. The subject's assessment reflects a market value of \$68,439 or \$94.27 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 submitted a memorandum and data prepared by the Elgin Township Assessor. The assessor noted the appellants purchased the subject as a foreclosure. In support of its contention of the correct assessment, the board of review through the township assessor submitted information on five comparable sales that were located from 0.57 to 2.65 miles from the subject. The comparables sold from January 2012 to March 2015 for prices that ranged from \$81,000 to \$125,000 or from \$96.40 to \$134.99 per square foot of living area, land included. The comparables consist of one and one-half story dwellings of frame construction. The comparables were constructed from 1898 to 1935 and contain from 760 to 1,140 square feet of living area. The board of review also provided copies of photographs of the subject dwelling which depicted the dwelling as being in poor condition. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

The appellants' attorney submitted a rebuttal brief.

### **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.

The Board finds the best evidence of market value to be the purchase of the subject property in July 2014 for a price of \$29,735. The appellants provided evidence demonstrating the sale had several of the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the owner, realty firms were involved in the transaction, and the property had been advertised on the open market. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review challenged the arm's length nature of the subject's transaction but was not able to refute the appellants' contention that the purchase price was reflective of market value. The Board gave little weight to the comparable sales presented by the township assessor. Two of these sales occurred in 2012 and 2013 and were considered to be dated. In addition, four of the comparables were located from 1.78 to 2.65 miles from the

subject. Consequently, the Board finds the subject's July 2014 sale price of \$29,375 to be a more accurate indicator of the subject's market value as of the January 1, 2015 assessment date.

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



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.