



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

APPELLANT: Nora Brennan
DOCKET NO.: 15-01683.001-R-1
PARCEL NO.: 11-29-103-002

The parties of record before the Property Tax Appeal Board are Nora Brennan, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$30,874
IMPR.: \$79,781
TOTAL: \$110,655

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 two-story dwelling of frame construction with 4,666 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full unfinished basement, central air conditioning, three fireplaces and an 854 square foot garage. The property has a 57,499 square foot site and is located in Elburn, Blackberry 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 18, 2014 for a price of \$332,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was an individual; the parties to the transaction were not related; the property was sold using a realtor; the property had been advertised on the open market with the Multiple Listing Service (MLS); and the property was on the market for 42 days. In further support of the

transaction, the appellant submitted copies of the settlement statement, a special warranty deed, and the MLS data sheet. The settlement statement reiterated the sale date and price but did not disclose any commissions paid to realty firms. The MLS data sheet disclosed the subject was originally listed for sale on May 14, 2014 at a price of \$350,000. After 42 days on the market, the property sold for a price of \$332,000. 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 \$168,374. The subject's assessment reflects a market value of \$505,476 or \$108.33 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 Blackberry Township Assessor. The assessor noted the subject's sale was a "Bank REO Purchase with a Special Warranty Deed" and that the subject was a low outlier sale compared to other sale properties in its neighborhood. In support of its contention of the correct assessment, the board of review through the township assessor submitted information on four sales that sold from April 2012 to December 2013 for prices that ranged from \$380,000 to \$590,000 or from \$96.50 to \$155.30 per square foot of living area, land included. The comparables consist of one and one-half or two-story dwellings of frame and masonry construction. The comparables were constructed from 1982 to 2006 and contain from 3,799 to 4,061 square feet of living area. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a three-page 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.

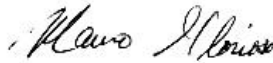
The Board finds the best evidence of market value to be the purchase of the subject property in June 2014 for a price of \$332,000. The appellant provided evidence demonstrating the sale had many of the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a realtor, the property had been advertised on the open market with the Multiple Listing Service, and it had been on the market for 42 days prior to its sale. 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 appellant's contention that the purchase price was reflective of market value. The Board gave little weight to the comparable sales presented by the

township assessor. These sales occurred in 2012 and 2013 and were considered to be dated in relation to the January 1, 2015 assessment date. In addition, the comparables had less living area than the subject; comparable #3 was located in a different neighborhood; and comparable #4 was considerably older than the subject. Consequently, the Board finds the subject's listing history and June 2014 sale price of \$332,000 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 the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's 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.