



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

APPELLANT: Mario Bribiesca & Maria Carmen
DOCKET NO.: 15-06758.001-R-1
PARCEL NO.: 06-14-329-007

The parties of record before the Property Tax Appeal Board are Mario Bribiesca & Maria Carmen, the appellants, by attorney 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: \$8,812
IMPR.: \$11,927
TOTAL: \$20,739

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 multi-family dwelling of frame construction with 1,628 square feet of living area. The dwelling has two apartment units and was originally constructed in 1923. Features of the home include an 814 square foot basement and a 480 square foot detached garage. The property has a 7,920 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant's overvaluation appeal is based on the recent sale of the subject and comparable sales. In support of the recent sale argument the appellant submitted evidence disclosing the subject property was purchased in September 2013 for a price of \$68,000. In support of the overvaluation argument based on comparable sales, the appellant submitted a grid analysis containing four comparable properties. The comparables had varying degrees of similarity to the subject. The comparables sold from April 2014 to February 2015 for prices ranging from

\$62,500 to \$75,000 or from \$33.24 to \$45.02 per square foot of living area including land. Based on this evidence, the appellant requested the subject's assessment be reduced to \$20,739.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,780. The subject's assessment reflects a market value of \$95,407 or \$58.60 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 support of its contention of the correct assessment the board of review submitted information on five comparable sales that had varying degrees of similarity to the subject. The comparables sold from January 2012 to August 2013 for prices ranging from \$110,000 to \$128,000 or from \$48.37 to \$71.43 per square foot of living area including land.

The board of review also estimated the subject's market value to be \$115,200 by extracting a Gross Rent Multiplier (GRM) from market data. In support, the board of review included a rental comparable chart of 23 rentals.

The appellants submitted rebuttal critiquing the board of review's submission.

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.

As an initial matter regarding the subject's September 2013 sale, the Board finds the subject's sale occurred greater than 15 months prior to the January 1, 2015 assessment date and determined the sale is not recent.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the appellants. The comparables were somewhat similar to the subject and also sold more proximate in time to the assessment date at issue than did the board of review's comparables. The appellants' comparables sold for prices ranging from \$33.24 to \$45.02 per square foot of living area, including land. The subject's assessment reflects a market value of \$58.60 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. The Board gave less weight to the comparable sales submitted by the board of review due to their sale dates occurring greater than 16 months prior to the assessment date at issue. Based on this record the Board finds the subject's assessment is not reflective of market value and a reduction in the subject's assessment commensurate with the appellants' 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting Member

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: November 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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