



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

APPELLANT: Dawn Adams
DOCKET NO.: 16-01521.001-R-1
PARCEL NO.: 14-09-277-007

The parties of record before the Property Tax Appeal Board are Dawn Adams, 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: \$53,202
IMPR.: \$116,798
TOTAL: \$170,000

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 2016 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 and brick construction with 4,135 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full basement, central air conditioning, two fireplaces and an attached three-car garage. The property has a 57,935 square foot site and is located in Sugar Grove, Sugar Grove 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 9, 2015 for a price of \$510,000 or \$123.34 per square foot of living area, including land. The seller was identified as the Federal Home Loan Mortgage Corporation. The property was sold through a Realtor, Compass REO Inc., and the property was advertised on the Multiple Listing Service (MLS) for 26 days. The appellant and the MLS listing both disclosed the property was a

foreclosure. The listing price was \$489,900, the property sold for \$510,000, and a commission in the amount of \$25,500 was paid. To document the sale the appellant submitted a copy of the MLS listing and a copy of the settlement statement. 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 \$178,264. The subject's assessment reflects a market value of \$535,810 or \$129.58 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Kane County of 33.27% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparables improved with two, 2-story dwellings and a 1.5-story dwelling that range in size from 3,797 to 5,308 square feet of living area and built in 1993 and 2001. Each comparable has an unfinished basement, central air conditioning and a garage ranging in size from 616 to 1,289 square feet of building area. Two comparables have one or two fireplaces. The comparables are in Sugar Grove with sites ranging in size from 44,431 to 80,586 square feet of land area. Comparable #1 was reported to have been listed on January 5, 2016 for a price of \$506,500 or \$133.39 per square foot of living area, including land. Comparables #2 and #3 sold in June 2013 and May 2013 for prices of \$360,000 and \$565,000 or \$82.97 and \$106.44 per square foot of living area, including land, respectively. The grid analysis indicated both sales #2 and #3 were Bank REO (real estate owned).

The board of review also submitted information on five equity comparables.

A written statement from the township assessor was submitted by the board of review in which she stated the PTAX-203, Illinois Real Estate Transfer Declaration reported the subject's transaction was a Bank REO sale. The board of review stated on its "Notes on Appeal" that, "Per the listing sheet the agent states the subject had a "multiple offer situation"." The board of review believed the subject was being fairly assessed.

The appellant's counsel submitted rebuttal comments arguing the sale was an arm's length transaction and the board of review evidence was composed of raw, unconfirmed and unadjusted sales comparables.

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 September 2015 for a price of \$510,000 or \$123.34 per square foot of living area, including land. The appellant provided evidence demonstrating the sale had elements of an arm's length

transaction as 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 MLS and it had been on the market for 26 days. The board of review also stated it had been reported that the property had received multiple offers supporting the conclusion the purchase price was indicative of fair cash value. As a final point, the listing and sales provided by the board of review had prices ranging from \$360,000 to \$565,000 or from \$82.97 to \$133.39 per square foot of living area, including land, support the conclusion the subject's purchase price is reflective of the market.

The Board gives little weight to the equity comparables provided by the board of review as this evidence does not address the appellant's overvaluation argument.

Based on this record the Board finds a reduction in the subject's assessment 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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: June 18, 2019



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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