



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

APPELLANT: HPI Investments LLC Series I
DOCKET NO.: 16-01562.001-R-1
PARCEL NO.: 15-21-226-021

The parties of record before the Property Tax Appeal Board are HPI Investments LLC Series I, the appellant, by attorney Michael R. Davies of the Law Offices of Michael R. Davies, Ltd., in Oak Lawn; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** 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: \$ 3,824
IMPR.: \$24,449
TOTAL: \$28,273

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 part two-story and part one and one-half story dwelling of frame exterior construction that has 1,666 square feet of living area. The dwelling was constructed in 1907. Features include a basement, central air conditioning and a 560-square foot detached garage. The subject has a 6,639-square foot site. The subject property is located in Aurora Township, Kane County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation claim, the appellant submitted limited descriptive information for 10 comparable sales that were reported to be located within .14 of a mile from the subject.¹ The comparables were reported to consist of one and one-half or two-

¹ The Board requested the appellant to complete the grid analysis in Section V of the appeal petition. The appellant failed to comply with the Board's request.

story dwellings, but the specific story height for each comparable was not disclosed. One comparable was built in 1900, but the age for the other nine comparables was not disclosed. The appellant failed to disclose the comparables' exterior construction, foundation type or features such as central air conditioning, fireplaces or garages. One comparable was reported to have 1,402 square feet of living while the dwelling sizes for nine comparables was not disclosed. The comparables have sites that range in size from 2,213 to 15,065 square feet of land area. The comparables sold from November 2012 to October 2015 for prices ranging from \$17,000 to \$82,500. Comparable #9 sold for \$58.58 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,273. The subject's assessment reflects an estimated market value of \$84,980 or \$51.00 per square foot of living area including land when applying the 2016 three-year average median level of assessment for Kane County of 33.27%.

In support of the subject's assessment, the board of review submitted a detailed grid analysis of three comparable sales that was prepared by the township assessor. The comparables are located within .09 of a mile from the subject. The comparables consist of part two-story and part one story or part two-story, part one and one-half story and part one story dwellings of frame exterior construction. The dwellings were built in 1900 or 1904. The comparables have basements, central air conditioning and detached garages that range in size from 360 to 420 square feet of building area. The dwellings range in size from 1,268 to 1,951 square feet of living area. The comparables sold from September 2014 to August 2015 for prices ranging from \$135,000 to \$196,000 or from \$86.69 to \$106.47 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The record contains 13 comparable sales for the Board's consideration. The Board gave less weight to the comparables submitted by the appellant. The appellant's attorney failed to provide the comparables' specific story height, exterior construction, foundation type or features such as central air conditioning, fireplaces or garages for comparative analysis, which detracts from the weight of the evidence. Furthermore, the age and dwelling size for nine comparables was not disclosed. Finally, seven comparables sold in 2012 or 2013, which are dated and less indicative of market value as of the subject's January 1, 2016 assessment date. The Board finds the comparables submitted by the board of review sold more proximate in time to the subject's assessment date and are most similar to the subject in location, design, age, dwelling size and features. They sold from September 2014 to August 2015 for prices ranging from \$135,000 to \$196,000 or from \$86.69 to \$106.47 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$84,980 or \$51.00 per square foot of living area

including land, which falls well below the range established by the most similar comparable sales contained in the record. This evidence suggests the subject property is under-assessed. Therefore, no reduction in the subject's assessment 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. 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: July 17, 2018



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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APPELLANT

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