



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

APPELLANT: Joseph Dichiarro  
DOCKET NO.: 16-01706.001-R-1  
PARCEL NO.: 06-35-280-009

The parties of record before the Property Tax Appeal Board are Joseph Dichiarro, the appellant, 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 **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:** \$8,612  
**IMPR.:** \$43,065  
**TOTAL:** \$51,677

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 one-story dwelling of brick exterior construction with 1,200 square feet of living area.<sup>1</sup> The dwelling was constructed in 1959. Features of the home include a basement with finished area, central air conditioning and a 676 square foot garage. The property has a 7,920 square foot site and is located in South Elgin, Elgin Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant partially completed Section IV of the Residential Appeal petition disclosing the subject property was purchased on April 1, 2015 for a price of \$97,000. The appellant's counsel reported that the subject property was purchased from the owner of record which was HSBC Bank USA, National

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<sup>1</sup> Appellant's counsel failed to complete Section III – Description of Property; descriptive data has been drawn from the property record card evidence provided by the board of review.

Association. Also, the parties to the transaction were not related and the property was advertised by sign, internet and/or auction. A copy of the Settlement Statement similarly reflects the purchase price and depicts the distribution of broker's fees to two entities along with a referral fee to REO Management, LLC, however the settlement date is April 30, 2015. A copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosed the seller was HSBC Bank USA, National Association, the property was advertised for sale and depicts the reported purchase price, date of sale and that the transaction was a Bank REO (real estate owned). 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 \$51,677. The subject's assessment reflects a market value of \$155,326 or \$129.44 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 response to the appeal, the board of review submitted a memorandum prepared by the Elgin Township Assessor along with additional data. The assessor contended a permit was issued on April 23, 2015 from the Village of South Elgin for the subject property to upgrade electric and remodel with \$15,000 estimated value for the work. The assessor submitted the Permit Information document that disclosed a permit number 14-000041 with a permit of April 23, 2015 and permit classification as interior remodel. The assessor also contended that the work has been completed, therefore the property is no longer in the same condition it was at the time of sale.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located within .35 of a mile of the subject property. The comparables were improved with one-story dwellings of frame, brick or frame and brick exterior construction ranging in size from 936 to 1,200 square feet of living area. The dwellings were constructed from 1958 to 1964. Each comparable has a basement, two with finished areas. The comparables have central air conditioning and a garage ranging in size from 276 to 528 square feet of building area. Additionally, one comparable has a fireplace. The comparables have sites ranging in size from 7,920 to 10,640 square feet of land area. These properties sold from May 2015 to May 2017 for prices ranging from \$160,000 to \$170,000 or from \$133.33 to \$170.94 per square foot of living area, including land. Based on this evidence the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel contends the board of review evidence is not responsive nor relevant to the basis of the appeal.

### **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 a reduction in the subject's assessment is not warranted.

The Board finds the evidence disclosed that the appellant purchased the subject property on April 30, 2015 for a price of \$97,000 from HSBC Bank USA, National Association. The appellant provided evidence demonstrating the sale had 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 by the owner of record, the property had been advertised on the open market by sign, internet and/or auction. However, the appellant did not disclose how long a period of time the subject property was advertised for sale. In further support of the transaction the appellant submitted a copy of the settlement statement and PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds, however, the fact the property was REO (real estate owned) sold by HSBS Bank USA, National Association calls into question whether the purchase price is reflective of fair cash value. The Board finds the board of review provided four sales similar to the subject property in location, style, age and features. The Board gave less weight to board of review comparable #3 as its sale date was less proximate in time to the lien date at issue. The remaining three properties sold from May 2015 to December 2016 for prices ranging from \$160,000 to \$170,000 or from \$133.33 to \$160.98 per square foot of living area, including land. The Board finds these sales demonstrate the subject's purchase price of \$97,000 or \$80.83 per square foot of living area, land included, is not representative of fair cash value. After considering the purchase of the subject property along with the amount the appellant reportedly spent in renovating the subject property as depicted in the April 2015 building permit and the sales provided by the board of review, the Board finds that the subject's assessment reflecting a market value of \$155,326 or \$129.44 per square foot of living area, including land, is well supported. Therefore, the Board finds no 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.

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Chairman



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Member

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Member



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Member

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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 16, 2019



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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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COUNTY

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