



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

APPELLANT: Federico & Maricela Romero  
DOCKET NO.: 16-01710.001-R-1  
PARCEL NO.: 06-33-253-015

The parties of record before the Property Tax Appeal Board are Federico & Maricela Romero, the appellants, 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 **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:** \$16,385  
**IMPR.:** \$36,847  
**TOTAL:** \$53,232

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 one-story and part two-story dwelling of frame exterior construction with 2,184 square feet of living area.<sup>1</sup> The dwelling was constructed in 1996. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 431 square foot garage. The property has a 10,010 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on November 18, 2015 for a price of \$160,000. The appellants' counsel partially completed Section IV - Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record

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<sup>1</sup> Appellants' 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.

which was Bayview Loan Servicing, LLC as reported in the Settlement Statement submitted by the appellants. Also, the parties to the transaction were not related and the property was advertised by sign, internet and/or auction. The appellants did not disclose how long the property was advertised for sale. Additionally, the PTAX-203 Real Estate Transfer Declaration disclosed the sale was a Bank REO (real estate owned) transaction. A copy of the Settlement Statement reflects the purchase price and the date of sale. The appellants' attorney also submitted a brief in support of the appeal. Based on this evidence, the appellants 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 \$74,076. The subject's assessment reflects a market value of \$222,651 or \$101.95 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 appellants' appeal, the board of review submitted information provided by the Elgin Township Assessor. The assessor contends the subject property was purchased in November 2015 in as-is condition as a Foreclosure and the property was contracted in 77 days. The assessor also contends the subject property is not owner occupied but utilized as a rental property.

The board of review submitted three comparable sales located within .31 of a mile of the subject property. The comparables were improved with part one-story and part two-story dwellings of frame exterior construction containing 2,184 square feet of living area. The dwellings were constructed in 1996 or 1997. Each comparable has a basement with one having finished area, central air conditioning and a 431 square foot garage. Additionally, two comparables have fireplaces. The comparables have sites ranging in size from 10,001 to 14,450 square feet of land area. These properties sold from October 2013 to March 2015 for prices ranging from \$220,000 to \$242,000 or from \$100.73 to \$110.81 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 appellants' counsel contends the board of review evidence is not responsive nor relevant to the basis of the appeal.

### **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.

The Board finds the best evidence of market value to be the purchase of the subject property in November 2015 for a price of \$160,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and the

property had been advertised on the open market by sign, internet and/or auction. In further support of the transaction, the appellants submitted a copy of the settlement statement. The Board finds the fact the property was sold by Bayview Loan Servicing, LLC calls into question whether the purchase price is reflective of fair cash value. The Board, however, finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board also finds the board of review comparable sales #2 through #4 in 2013 and 2014 are dated sales which would not be indicative of market value as of the January 1, 2016 assessment date. The Board finds the purchase price of \$160,000 is below the market value of \$222,651 as reflected by the assessment. Furthermore, the Property Tax Appeal Board gave less weight to the remaining board of review comparable sale as this one sale does not overcome the subject's arm's-length sale price. Based on this record the Board finds the subject property had a market value of \$160,000 as of January 1, 2016. Since market value has been determined the 2016 three-year average median level of assessment for Kane County of 33.27% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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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