



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

APPELLANT: Propal Investments, LLC  
DOCKET NO.: 17-04271.001-R-1  
PARCEL NO.: 03-03-454-020

The parties of record before the Property Tax Appeal Board are Propal Investments, LLC, the appellant, by attorney Jerri K. Bush in Chicago; and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$7,524  
**IMPR.:** \$37,782  
**TOTAL:** \$45,306

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kendall County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2017 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 townhouse of frame construction with 1,672 square feet of living area. The dwelling was constructed in 2004. Features of the home include a crawl space foundation, central air conditioning, one fireplace and an attached two-car garage. The property has a 1,636 square foot site and is located in Oswego, Oswego Township, Kendall County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in March 2017 for a price of \$121,301. The appellant identified the seller as the Federal National Mortgage Association and indicated the property sold at a Sheriff Sale. The appellant further indicated that the property sold through foreclosure. To document the sale the appellant provided a copy of the Sheriff's Deed and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the

sale. Based on this evidence, the appellant requested the subject's assessment be reduced to \$40,430 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 \$45,306. The subject's assessment reflects a market value of \$136,136 or \$81.42 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for Kendall County of 33.28% as determined by the Illinois Department of Revenue.

The board of review argued that little weight should be given the sale of the subject property as the transaction was a court ordered Sheriff's sale. The board of review also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration documenting the circumstances surrounding the sale.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with two-story townhomes located in the subject's complex that were like the subject in land area, age, size and features. These properties sold in May and June 2016 for prices ranging from \$138,000 to \$148,000 or from \$82.54 to \$88.52 per square foot of living area, including land. The comparables had total assessments of either \$44,410 or \$44,299. The board of review requested the subject's assessment be increased to \$47,260.

### **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 best evidence of market value in the record to be the three comparable sales submitted by the board of review. These comparables were like the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$138,000 to \$148,000 or from \$82.54 to 88.52 per square foot of living area, including land. The subject's assessment reflects a market value of \$136,136 or \$81.42 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. The Board gave little weight to the subject's sale due to the fact the sale did not have the elements of an arm's length transaction as it was a court-order auction in which the seller was a government agency and the property was sold by the Sheriff where the purchaser was given a Sheriff's deed. These facts indicate there was an element of duress in the transaction. Additionally, the three sales provided by the board of review support the conclusion that the subject's purchase price is not reflective of fair cash value. The Board further finds an increase in the assessment as requested by the board of review is not justified based on principles of uniformity when comparing the requested assessment to the assessments of the comparables submitted by the board of review. Based on this record the Board finds a change in the subject's assessment is not 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: April 23, 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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