



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

APPELLANT: Peter Thompson
DOCKET NO.: 19-02461.001-R-1
PARCEL NO.: 05-01-426-012

The parties of record before the Property Tax Appeal Board are Peter Thompson, 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 **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: \$21,667
IMPR.: \$59,918
TOTAL: \$81,585

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 2019 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 exterior construction with 3,126 square feet of living area. The dwelling was constructed in 1996. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 594 square foot garage. The property has a 48,352 square foot site and is located in Elgin, Plato 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 December 14, 2018 for a price of \$245,000. The appellant completed Section IV – Recent Sale Data disclosing the transaction was not between family members or related corporations, that the subject was sold with help from a Realtor and was advertised in the Multiple Listing Service (MLS). The appellant submitted the subject's MLS sheet which disclosed the subject was bank owned at the time of sale, had a marketing period of 62 days, and was sold in "as is" condition. The

settlement statement submitted by the appellant reported commissions were paid to real estate agents. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$99,367 which disagreed with its Notice of Findings, submitted by the appellant, indicating the subject had a total assessment of \$99,357. The subject's assessment reflects a market value of \$298,369 or \$95.45 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Kane County of 33.30% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a grid analysis on four comparable sales and the subject's property record card. The comparables are located from 0.06 of a mile to 3.67 miles from the subject property and are improved with two-story dwellings that range in size from 2,836 to 3,182 square feet of living area and were built from 1981 to 1997. Each comparable has a basement, two with finished area, central air conditioning, one or two fireplaces and a garage ranging in size from 380 to 856 square feet of building area. Comparable #4 also features an inground swimming pool. The properties sold from June 2016 to May 2018 for prices ranging from \$309,500 to \$385,000 or from \$109.13 to \$120.99 per square foot of living area, land included.

The board of review also submitted comments asserting the subject's 2018 sale was not advertised. In support of this claim, it submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which reported the property had not been advertised for sale. The board of review also asserted that the "seller paid \$2,500 of closing costs to reduce sale price." Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's attorney contended that information contained in the PTAX-203 form with respect to the property not being advertised to be a clerical error and pointed to the MLS sheet as proof the subject property had been advertised. Counsel then argued that the evidence submitted by the board of review was neither responsive nor relevant to the basis of the appeal. Counsel claimed that the Property Tax Code did not give the Property Tax Appeal Board authority to consider comparable sales as evidence in an appeal based only upon a recent sale of the subject property. Counsel then proceeded to critique the board of review's comparables, should the PTAB consider this evidence. The appellant's attorney argued that none of the board of review's comparables should be considered based on older sale dates, when compared to the January 1, 2019 assessment date, locations greater than two miles from the subject property and/or differences in age when compared to the subject.

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). [emphasis added] The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the Board finds that the basis of the appellant's appeal is overvaluation or a market value argument with the recent sale of the subject property submitted as evidence to support the overvaluation claim. The Board further finds that comparable market value sales evidence is responsive and relevant to the overvaluation argument as potentially "opposing or contradictory" market value data and, therefore, the board of review's comparable sales shall be considered.

The Board finds the best evidence of market value to be the purchase of the subject property in December 2018 for a price of \$245,000. 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 using a Realtor and had been advertised in the Multiple Listing Service. The appellant submitted a copy of the MLS sheet indicating the subject had been actively marketed for a period of 62 days. In further support of the transaction the appellant submitted a copy of the settlement statement which disclosed that commissions were paid to real estate professionals.

The Board finds the Multiple Listing Service sheet and settlement statement evidence submitted by the appellant supports an arm's length sale of the subject and overcomes the board of review's PTAX-203 evidence which reported the subject property had not been advertised and therefore was not an arm's length transaction. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of \$245,000 as of January 1, 2019. Since market value has been determined the 2019 three year average median level of assessment for Kane County of 33.30% 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.



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: January 18, 2022



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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