



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

APPELLANT: Grotto Properties LLC
DOCKET NO.: 12-01435.001-R-1
PARCEL NO.: 06-24-256-015

The parties of record before the Property Tax Appeal Board are Grotto Properties LLC, the appellant, by attorney Jerri K. Bush in Chicago; and the Kane County Board of Review.

Based on the facts and exhibits presented, 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: \$ 7,840
IMPR: \$ 32,271
TOTAL: \$ 40,111

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 2012 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 and one-half story frame dwelling that has 1,215 square feet of living area. The dwelling was constructed in 1900. Features include a partial unfinished basement and a detached 400 square foot garage. The subject property has 9,755 square feet of land area. The

subject property is located in Elgin Township, Kane County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted nine suggested comparable sales and the subject's sale price.

The appellant's appeal petition indicated the subject property sold in November 2010 for \$60,100. The appellants submitted the Multiple Listing Service (MLS) sheet and the settlement statement associated with the sale of the subject property.

The appellant also submitted MLS sheets for nine suggested comparable sales to further support the contention the subject property was overvalued. However, the appellant did not complete a credible comparative analysis¹ of the suggested comparables for the Board's consideration. By letter dated August 13, 2013 and pursuant to section 1910.30(k) of the rules of the Property Tax Appeal Board, the appellant was ordered to complete section V of the residential appeal petition. Section 1910.30(k) of the rules of the Property Tax Appeal Board provides:

All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. **Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board.** Petitions that are not properly signed, petitions that do not state the assessed valuation assigned by the board of review, petitions that do not state the assessed valuation considered correct by the contesting party, and **petitions not containing all information as required in this Section, shall be treated as incomplete petitions.** Written or documentary evidence will be accepted after receipt of a completed petition only when a written request for an extension of time was

¹ The appellant merely submitted a list of the comparables' address, city, zip code, sale price, parcel identification number, county and township. The list did not depict the comparables' proximate location, land area, design, age, size or features for comparison to the subject. (See Property Tax Appeal Board rule 1910.65(c)(4)).

filed in accordance with Section 1910.30(g) and granted.

The appellant failed to comply with the Board's order resulting from the incomplete appeal petition. Section 1910.69(a) of the rules of the Property Tax Appeal Board provides:

Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 1910.30, 1910.40, 1910.60, 1910.65, 1910.67, 1910.68 and 1910.73 shall result in the default of that party.

Since the appellant failed to complete section V of the residential appeal petition pertaining to the comparable sales and comply with the Board's order, this aspect of the appellant's appeal is hereby dismissed.

Based on the evidence submitted, 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 \$40,111. The subject's assessment reflects an estimated market value of \$120,273 or \$98.99 per square foot of living area including land when applying the 2012 three-year average median level of assessment for Kane County of 33.35%.

In support of the subject's assessment, the board of review submitted an income approach to value and four suggested comparable sales. The evidence was prepared by the Elgin Township Assessor's Office.

The comparable sales had varying degrees of similarity when compared to the subject. The comparables sold from April 2010 to January 2012 for prices ranging from \$98,500 to \$114,900 or from \$87.05 to \$121.59 per square foot of living area including land.

Because the subject is a rental dwelling, the assessor developed the income approach to value using the gross rent multiplier (GRM) methodology. The assessor concluded the subject property would have a monthly rental rate of \$1,150 or a gross annual income of \$13,800. No evidence to support the estimated market rent was submitted. The assessor purportedly extracted a GRM of 9 from comparable sales, but the sales or calculation of the GRM was not submitted as part of this record. Applying the GRM of 9

to the subject's estimated gross annual income of \$13,800, the assessor concluded the subject property had a market value of \$124,200 under income approach to value.

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 Board gave little weight to the subject's November 2010 sale price of \$60,100. The Board finds the subject's sale occurred over one year prior to the January 1, 2012 assessment date, which is dated and a less reliable indicator of market value.

The Board gave also gave little weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. Notwithstanding the lack of foundational market data regarding the subject's estimated rental rate and gross rental multiplier, the courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach. Since there is credible market sales contained in the record, the Board placed most weight on this evidence.

The board of review submitted four suggested comparable sales for the Board's consideration. The Board gave little weight to comparable #4. This property sold in 2010, which is dated and a less reliable indicator of market value as of the subject's

January 1, 2012 assessment date. The Board finds the remaining three comparables submitted by board of review are most similar to the subject in location, age, design, size, features and sold more proximate in time to the subject's assessment date. They sold for prices ranging from \$98,500 to \$114,900 or from \$92.59 to \$121.59 per square foot of living area including land. The subject's assessment reflects a market value of \$120,273 or \$98.99 per square foot of living area including land, which is supported by the most similar comparable sales contained in this record on a per square foot basis. As a result of this analysis, 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.

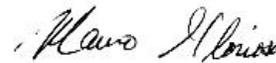
Chairman



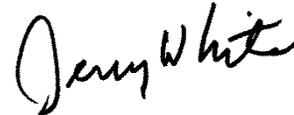
Member



Member



Member



Acting Member

DISSENTING: _____

C E R T I F I C A T I O N

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: June 26, 2015



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 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 the subsequent year 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.

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.