



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

APPELLANT: Tiffany Flowers  
DOCKET NO.: 10-01538.001-R-1  
PARCEL NO.: 02-14-376-007

The parties of record before the Property Tax Appeal Board are Tiffany Flowers, the appellant, and the Kendall County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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:** \$20,502  
**IMPR:** \$80,957  
**TOTAL:** \$101,459

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of frame and masonry construction containing 4,178 square feet of living area. The dwelling was constructed in 2007. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage with 440 square feet of building area. The property has a 17,914 square foot site and is located in Yorkville, Bristol Township, Kendall County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant completed Section IV - Recent Sale Data and submitted information on four comparable sales in the Section V grid analysis.

The subject property was purchased in December 2009 for a price of \$304,500. The appellant indicated the subject property was sold by Fannie Mae-Freddie Mac through a Realtor with Coldwell-Banker, the property was advertised on the open market using the Multiple Listing Service for a period of 3 to 5 days and the parties to the transaction were not related. The property was sold in settlement of a foreclosure action. The appellant also submitted a copy of the Multiple Listing Service sheet depicting a listing date of October 7, 2009 with an original asking price

of \$305,000 and a contract date of October 20, 2009 with a sale price of \$304,500.

In further support of the overvaluation argument, the appellant provided data on four comparable sales located in the subject's subdivision of Grande Reserve and within two blocks of the subject. The comparable parcels were similar in size to the subject and were improved with two-story dwellings of frame and masonry construction. The homes range in size from 3,100 to 3,863 square feet of living area. The dwellings were constructed in approximately 2006. Features of the comparables include an unfinished basement, central air conditioning, a fireplace and a three-car garage. The comparables sold from December 2009 to April 2010 for prices ranging from \$192,000 to \$270,000 or from \$53.75 to \$72.15 per square foot of living area, including land.

The appellant also attached Multiple Listing Service sheets for each of the comparables. The listings originally occurred from June 2009 to January 2010 with original asking prices ranging from \$199,900 to \$324,900. The properties were on the market from 7 to 322 days.

Based on this evidence, the appellant apparently requested a reduction in the subject's total assessment to reflect the recent purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$134,918 was disclosed. The subject's assessment reflects a market value of \$404,916 or \$96.92 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Kendall County of 33.32% as determined by the Illinois Department of Revenue.

The board of review submitted a letter along with additional sales data to support the subject's assessment. The board of review contends the "subject sold from FNMA." In addition, the subject property "originally sold for \$480,491 in July, 2007." In the grid analysis, the board of review also identified that the subject property sold in December 2009 for \$304,500.

In addition, in the grid analysis the board of review presented information on three comparable sales located in Grande Reserve and within close proximity to the subject. The comparable parcels range in size from 13,990 to 14,913 square feet of land area and are improved with two-story dwellings of frame and masonry construction that range in size from 3,821 to 4,033 square feet of living area. The dwellings were either 2 or 4 years old. Features of the comparables include a full unfinished basement, central air conditioning, a fireplace and a garage of either 441 or 660 square feet of building area. The comparables sold from September 2008 to January 2009 for prices ranging from \$350,000 to \$443,294 or from \$91.60 to \$110.57 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the subject's assessment should be reduced based on the sale of the subject and comparable sales contained in the record. The evidence disclosed that the subject sold in December 2010 for a price of \$304,500. The board of review did not refute the appellant's evidence related to the subject's sale other than noting it "sold from FNMA." The board of review in its evidence further agreed that the property sold as reported by the appellant.

Except in counties with more than 200,000 inhabitants which classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1<sup>st</sup> Dist. 1983). Furthermore, a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

The evidence reveals the subject property sold one month before the assessment date of January 1, 2010 for \$304,500. Furthermore, the Board finds there is no evidence in the record that the sale price was not reflective of the subject's market value given the sales of other nearby similar properties which the appellant reported that sold for prices ranging from \$192,000 to \$270,000 or from \$53.75 to \$72.15 per square foot of living

area, including land. While the listing time of the subject was brief, the Property Tax Appeal Board finds that the information provided by the appellant indicated the sale had the elements of an arm's length transaction having been exposed on the open market and involving unrelated parties. Based on the uncontested facts in the record, the Property Tax Appeal Board finds the subject's December 2009 sale price of \$304,500 was arm's-length in nature and is supported by recent sales of nearby properties as reported by the appellant.

The Board has given reduced weight to the three sales presented by the board of review as these sales occurred less proximate in time to the assessment date of January 1, 2010 than the sale of the subject and sales of the appellant's suggested comparable sales.

In conclusion, the Board finds the best evidence of the subject's fair market value in the record is the December 2009 sale for \$304,500. The subject's assessment reflects an estimated market value of approximately \$404,916 which is substantially higher than its most recent sale price and therefore, the Board finds that a reduction in the subject's assessment is warranted. Since the fair market value of the subject has been established, the Board finds that the 2010 three-year average median level of assessment for Kendall County of 33.32% shall apply.

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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mark Morris*

Member

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 21, 2013

*Allen Castrovillari*

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.