



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

APPELLANT: Paul Snowwhite
DOCKET NO.: 10-01562.001-R-1
PARCEL NO.: 06-21-228-020

The parties of record before the Property Tax Appeal Board are Paul Snowwhite, the appellant; and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$5,513
IMPR.: \$13,836
TOTAL: \$19,349

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story single family dwelling of frame exterior construction that contains 1,056 square feet of living area and is 48 years old. Features of the home include central air conditioning, a 480 square foot detached garage and a full unfinished basement. The dwelling is situated on 10,670 square feet of land area. The subject property is located in Fox River Hills Subdivision, Elgin, Elgin Township, Kane County.

Paul Snowwhite appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted a settlement statement revealing the subject property was purchased for \$58,000 in March 2010. The appeal petition indicates that the parties to the transaction were not related and the subject property was advertised for sale in the open market with Royana Realty, Ltd. for 62 days. The appellant submitted a property record card, copy of sales contract, location map and a bid sheet. The appellant also submitted four suggested comparable sales to

further support the overvaluation claim and a copy of the Multiple Listing Sheet stating the property was a HUD foreclosure, being sold "as is" and in need of repairs.

The four suggested comparables submitted are located in Fox River Hills or Elgin Estates Subdivision. The comparables are improved with one-story single family dwellings that ranged in size from 912 to 1,856 square feet of living area. The comparables have a frame exterior construction and are from 43 to 68 years old. Features of these homes include an attached or detached garage that ranges in size from 336 to 966 square feet of building area. Two comparables have central air conditioning. One comparable has a partial unfinished basement. These properties sold from May 2009 to September 2010 for prices ranging from \$70,500 to \$138,000 or from \$70.83 to \$77.30 per square foot of living area, including land.

The appellant testified that the reason he requested a hearing was to provide details about the location of the subject property. A location map was used to show the comparables he submitted were in "real neighborhoods" and the subject property is on a main thoroughfare. The subject property is a corner lot which is across the street from a large industrial park. Located in the industrial park is Commonwealth Edison's main facility for North Western Illinois, two trucking companies with a total of approximately 160 bays and various other commercial/industrial facilities which creates a lot of heavy traffic.

Based on this evidence and testimony the appellant requested a reduction in the subject's assessment to reflect its sale price.

Under cross-examination, the appellant testified that he spent approximately \$10,000 to make the property livable. He also testified that the house is a rental home and is occupied rent free.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$55,167 was disclosed. The subject's total assessment reflects an estimated market value of \$165,369 or \$156.60 per square foot of living area when applying the 2010 three year average median level of assessments for DuPage County of 33.36%.

The board of review submitted a copy of the evidence used for the board of review hearing that was supplied by the Elgin Township Assessor's Office. This included the subject's property record card and a grid analysis of the appellant's three comparables that were submitted for the board of review hearing.¹ There were also four additional comparables that were prepared by the Elgin

¹ These properties were not submitted as evidence by the appellant before the Property Tax Appeal Board. Thus, these three comparables will not be addressed in this decision.

Township Assessor's Office to demonstrate that the subject's assessment was reflective of market value. The comparables were improved with 3 one-story and 1 one and one-half story single family dwellings that were built from 1945 to 1965. Features include basements, with three having a partial finish and an attached or detached garage, with one comparable having two garages. The garages range in size from 280 to 624 square feet of building area. Three of the comparables have central air conditioning and two comparables have a fireplace. The comparables range in size from 878 to 1,064 square feet of living area. The comparables sold from June 2007 to July 2009 for prices ranging from \$168,500 to \$213,000 or from \$186.09 to \$211.31 per square foot of living area, including land.

The board of review's representative called as its witness Steven Surnicki, Elgin Township Assessor to explain the methodology and thought process used by the assessor's office. Surnicki testified that the assessor looks at sales from the prior 3 years and has found that a large percentage of foreclosures are purchased in monetary terms of cash which limits the number of potential buyers. Surnicki also testified that since this is a rental property, he estimated that the monthly rent for this type of property would be around \$1,400, and a gross income multiplier of 10, would make the estimated market value \$168,000.

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

After hearing the testimony 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 Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value 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 (3rd Dist. 2002). The Board finds the appellant has met this burden of proof.

The appellant submitted a settlement statement revealing the subject property was purchased for \$58,000 in March 2010. Additionally, the appellant submitted four comparable sales to further support the overvaluation claim. The board of review submitted four suggested sales to support its assessment of the subject property.

The Property Tax Appeal Board finds the best evidence of the subject's fair market value in this record is the subject's March 2010 arm's-length sale price for \$58,000. The Illinois Supreme Court has defined fair cash value as 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 to do so. Springfield

Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983); People ex rel. Munson v. Morningside Heights, Inc., 45 Ill.2d 338 (1970); People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$58,000 in March 2010. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. The subject's assessment reflects an estimated market value of \$165,369, which is higher than its arm's-length sale price. Therefore a reduction is warranted.

The Board gave less weight to the four suggested comparable sales submitted by the board of review. The board of review did not submit a map to indicate the proximity of the comparables to the subject. Comparable 1 is not in the same neighborhood as the subject property. Comparables 2, 3 and 4 sales occurred from June 2007 to October 2008, which is less indicative of fair market value as of the subject's January 1, 2010 assessment date. Comparable 4 is a one and one-half story, compared to the subject property which is a one-story and therefore is dissimilar. There was no substantive evidence submitted to support the \$1,400 monthly rent or a gross income multiplier of 10. Also, there was no testimony or evidence to refute the location of the subject property being across the street from a large industrial park.

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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Mark Morris

Member

JR

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: May 24, 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.