



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

APPELLANT: Craig (Taylor) Wetter  
DOCKET NO.: 10-01798.001-R-1  
PARCEL NO.: 15-21-286-009

The parties of record before the Property Tax Appeal Board are Craig (Taylor) Wetter, 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:** \$3,336  
**IMPR:** \$3,336  
**TOTAL:** \$6,672

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 7,760 square foot site improved with a two-story building of frame construction with 4,294 square feet of building area. The building was constructed in 1900 and has an unfinished basement. The property is located in Aurora, Aurora Township, Kane County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal based on a recent purchase of the subject property. The appellant described the subject property as having four apartments and explained the property was a non-conforming use under the City of Aurora's zoning. He explained that he lived in the building in 2011 even though it was not habitable and in 2012 the building had two apartments. He testified he purchased the subject property in December 2009 for a price of \$20,000. The property was purchased from HSBC Bank, which had foreclosed upon the property in 2008 or 2009. The appellant explained the parties to the transaction were not related and the property had been listed on the open market for 6 months with Kettley Realty. The appellant further indicated that at the time of purchase the property was boarded, vacant and had been vandalized. In rebuttal the appellant provided photographs of the building depicting the subject's poor condition. The appellant also provided a history of the listing

of the subject property indicating the property was placed on the market for a price of \$74,900 in June 2009. The price was reduced several times and ultimately to \$36,900 in November 2009. The appellant offered \$20,000 which was accepted.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$30,963 was disclosed. The subject's assessment reflects a market value of \$92,815 using the 2010 three year average median level of assessments for Kane County of 33.36%. In support of the assessment the board of review submitted information on three comparables improved with two-story dwellings that ranged in size from 3,838 to 4,643 square feet of living area. The comparables sold from January 2007 to December 2007 for prices ranging from \$308,000 to \$540,000. The board of review presented no witnesses or testimony concerning the sales.

In rebuttal the appellant submitted photographs of the board of review comparables depicting superior homes than the subject building. The appellant also submitted a closing statement on another home located across the street from the subject property that the appellant had purchased for a price of \$25,000 in March 2011 to document the type of properties in the neighborhood.

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that 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). 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). 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). 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 Board finds the best evidence of market value in this record is the purchase of the subject property in December 2009 for a price of \$20,000. The testimony and documents provided by the appellant disclosed the purchase had the elements of an arm's length transaction. The Board further finds the photographs of the property submitted by the appellant depict a building in a poor state of repair. Additionally, the Board finds the board of review did not challenge the arm's length nature of the transaction and the photographs of the comparables sales offered by the board of review depict significantly superior properties. Based on this record the Board finds the subject property had a market value of \$20,000 as of January 1, 2010. Since market value has been established the 2010 three year average median level of assessments for Kane County of 33.36% 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

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: April 19, 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.