



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

APPELLANT: Scott Stancy
DOCKET NO.: 10-02064.001-R-1
PARCEL NO.: 15-23-181-021

The parties of record before the Property Tax Appeal Board are Scott Stancy, the appellant, by attorney Ronald M. Justin of RMR Property Tax Solutions, in Hawthorn Woods, 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: \$3,959
IMPR.: \$17,391
TOTAL: \$21,350

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property¹ is improved with a two-story single-family dwelling of frame construction. The dwelling was built in 1900 and contains approximately 1,681 square feet of living area. Features include an unfinished basement and a two-car garage. The property is located in Aurora, Aurora Township, Kane County.

The appellant appeared before the Property Tax Appeal Board through legal counsel contending the subject property was overvalued in light of its recent sale. In support of this market value argument, the appellant's counsel filed a brief citing various Illinois cases along with evidence disclosing the subject property was purchased on October 23, 2009 for a price

¹ Descriptive details of the subject property have been drawn from the Multiple Listing Sheet presented by the appellant. The appellant failed to complete Section III - Description of Property and the board of review failed to submit a copy of the subject's property record card. (86 Ill.Admin.Code §1910.40(a)).

of \$64,000. The appellant completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related and the property was sold by owner after having been advertised on the open market with a sign and through the internet for 30 days prior to its sale. The sale resulted in the execution of an installment contract.

No witness was presented by the appellant to testify as to the purchase process, negotiations, the condition of the subject property at the time of purchase, why the property was purchased on an installment contract and/or the terms of the installment contract.

In further support, the appellant also submitted a copy of a Multiple Listing Service sheet which depicted an original asking price of \$70,000 and a listing date of April 28, 2009 and a subsequent price reduction to \$49,900 with 101 days on the market shown on the document.² The document also depicts that the property was taken off the market on August 6, 2009.

Based on this evidence and applicable case law, the appellant requested a reduction in the subject's assessment to reflect the reported purchase price of \$64,000.

The board of review submitted its "Board of Review - Notes on Appeal" wherein the subject's total assessment of \$33,330 was disclosed. The subject's assessment reflects a market value of \$99,910, when applying the 2010 three year average median level of assessment for Kane County of 33.36% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review representative Michael Madziarek noted in the absence of the details of the installment contract there could be favorable financing. He further opined that there could be other motivations by the seller as installment contracts are not typical in light of generally favorable available financing terms.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a Multiple Listing sheet concerning the rental offering of the subject property in October 2009 for an asking monthly rental price of \$1,350 and an actual rental price of \$1,250 per month. The remarks include: "newly remodeled 5 bedroom home, 2 car garage,

² The document depicts the sale price as \$38,000 having occurred on September 2, 2009.

tons of space for large family, new carpet and paint throughout, huge kitchen!!!"

Also submitted was a printout depicting that in October 2009 a mortgage in the amount of \$85,827 was issued concerning the subject property.

The board of review did not specifically address nor challenge the subject's sale price.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

After hearing the testimony and considering the record, 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 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 to do 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 (3rd 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 Property Tax Appeal Board finds the best evidence of market value to be the purchase of the subject property on October 23, 2009 for a price of \$64,000. The appellant provided evidence demonstrating the sale had the elements of an arm's-length transaction. The subject was advertised for sale and the buyer and seller were not related parties.

As argued by the board of review, the Illinois courts have stated that the sale price of property does not necessarily establish its value without further information on the relationship of the buyer and seller and other circumstances. Ellsworth Grain Co. v. Illinois Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988). As set forth in this record, the board of review failed to adequately rebut the apparent arm's-length nature of the sale transaction in that the only evidence of record is that the buyer and seller were not related, the property was open and exposed on the market for a period of time and sold for \$64,000, two months before the assessment date at issue of January 1, 2010.

Additionally, the Board finds the purchase price of \$64,000 is below the market value reflected by the assessment of \$99,910. Moreover, the a prior listing price of \$70,000 for the subject property at the time of marketing in April 2009 was also less than the estimated market value as reflected by its 2010 assessment. Furthermore, the Property Tax Appeal Board finds the board of review did not present any substantive evidence to challenge the arm's-length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The fact that the property was remodeled by October 2009 for rental purposes does not provide substantive evidence of the subject's estimated market value as of the assessment date of January 1, 2010.

Based on this record, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject property was overvalued. The best evidence in the record is that the subject property had a market value of \$64,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessment for Kane County of 33.36% 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy 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: January 24, 2014

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.