



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

APPELLANT: Sabrina Bigham-Holich
DOCKET NO.: 11-01677.001-R-1
PARCEL NO.: 06-13-277-018

The parties of record before the Property Tax Appeal Board are Sabrina Bigham-Holich, 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: \$11,821
IMPR.: \$34,209
TOTAL: \$46,030

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 2011 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 two-story single-family dwelling of frame construction with 1,458 square feet of living area. The dwelling was constructed in 1880. Features of the home include a full unfinished basement of 729 square feet of building area, central air conditioning, a fireplace and a detached garage of 680 square feet of building area. The

property has a 9,472 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located within 2.5 blocks of the subject property. Based on this evidence, the appellant requested a total assessment of \$41,666 which would reflect a market value of approximately \$125,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$50,561. The subject's assessment reflects a market value of \$152,155 or \$104.36 per square foot of living area, land included, when using the 2011 three year average median level of assessment for Kane County of 33.23% as determined by the Illinois Department of Revenue.

As to the appellant's evidence, the Elgin Township Assessor contended that three of the appellant's suggested comparable sales were foreclosures, although comparable #1 was exposed to the market for 503 days, comparable #3 was on the market for 47 days and comparable #4 was on the market for 15 days. As to comparable #2, the township assessor contended the property "sold as a Trustee sale with part interest from 2 entities" with a total sale price of \$120,000.¹

In support of its contention of the correct assessment the board of review submitted information on four comparables sales along with a map depicting the location of both parties' comparables. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant reiterates a contention that the subject dwelling would more properly be characterized as a 1.5-story home based on comparison of rooflines in photographs submitted as part of the appeal. As to the appellant's sales, these foreclosed and short sale properties are within several blocks of the subject and are "common place."

¹ While the board of review provided no documentation such as PTAX-203 Illinois Real Estate Transfer Declarations to support this latter contention, the appellant included a printout from the township assessor's website depicting two sales on December 1, 2010 for \$72,000 and \$48,000 with references to sequentially numbered recorded documents.

As to the board of review's suggested comparables, the appellant contends each has a larger basement than the subject and the homes are either full two-story or two-story plus attic dwellings. She further noted amenities of fenced yards and/or newer roofs which are not features of the subject dwelling. She further argued that the subject dwelling is in need of various maintenance including a new roof, exterior paint, new sidewalks and an asphalt driveway.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board has given reduced weight to board of review comparables #1 and #2 as these properties are depicted on a map as quite distant from the subject property.

As to the consideration of the appellant's sales that were foreclosures, the Board finds relevant Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments,

including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to assessment date at issue, January 1, 2011. Therefore, the Board finds no merit in the board of review's argument that appellant's comparables #1, #3 and #4 should not be considered. The Board has given reduced weight to appellant's comparable #3 as this dwelling is approximately 1,000 square feet larger than the subject dwelling in above-grade living area.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #4 along with board of review comparable sales #1, #3 and #4. These homes range in size from 1,372 to 1,716 square feet of living area. These most similar comparables sold between July 2009 and December 2010 for prices ranging from \$50,000 to \$168,000 or from \$29.14 to \$108.09 per square foot of living area, including land. The subject's assessment reflects a market value of \$152,155 or \$104.36 per square foot of living area, including land, which is within the range established by the best comparable sales in this record on a per-square-foot basis, but appears excessive when giving due consideration to the subject's age as compared to the highest priced comparable which is board of review #1 which was constructed in 1900. Furthermore, the subject is an older dwelling than each of these most similar comparables. Based on this evidence the Board finds a 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.



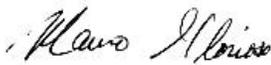
Chairman



Member



Member



Member



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 21, 2014



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.