



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

APPELLANT: American Ashland, LLC  
DOCKET NO.: 11-01909.001-R-1  
PARCEL NO.: 11-08-255-005

The parties of record before the Property Tax Appeal Board are American Ashland, LLC, the appellant, by attorney George J. Relias of Enterprise Law Group, LLP, in Chicago, 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:** \$11,665  
**IMPR.:** \$0  
**TOTAL:** \$11,665

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 is a vacant residential parcel which slopes to the rear and views water/open space (conservation area) consisting of a 10,735 square foot site. The property is located in Elburn, Blackberry Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$35,000 or \$3.26 per square foot of land area as of March 11, 2011. To arrive at the value conclusion, the appraiser utilized three comparable sales of vacant parcels located within .43 of a mile from the subject property. The comparables range in size from 8,318 to 12,962 square feet of land area and sold between November 2010 and February 2011 for prices ranging from \$21,000 to \$40,000 or from \$2.04 to \$3.09 per square foot of land area.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$19,198. The subject's assessment reflects a market value of \$57,773 or \$5.38 per square foot of land area 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.

The board of review submitted documentation prepared by the Blackberry Township Assessor's Office. The assessor asserted that none of the sales in the appellant's appraisal report were "market transactions" as the sales were all short sales or foreclosures. In addition, two of the sales in the appraisal occurred after the assessment date of January 1, 2011.

In support of its contention of the correct assessment on behalf of the board of review the assessor contended that the subject property is a "premium residential vacant lot which backs up to unimproved land used for storm water retention." In a grid analysis, the board of review submitted information on four comparables sales of parcels ranging in size from 5,000 to 13,268 square feet of land area. The comparables sold between February 2008 and June 2010 for prices ranging from \$50,000 to \$79,121 or from \$3.84 to \$10.00 per square foot of land area.

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

#### **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.

As to the board of review's contention that the sales in the appraisal report were not "market transactions," the Board takes notice that Public Act 96-1083 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.

The Board has given little weight to the three sales presented by the board of review which occurred in 2008 as these sales are too distant in time to be valid indicators of the subject's market value as of the assessment date of January 1, 2011.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with a value conclusion as of March 11, 2011 of \$35,000 or \$3.26 per square foot of land area. Additionally the appraised value is well-supported by the most recent sale presented by the board of review as its comparable sale #1. This property sold for \$3.84 per square

foot of land area in June 2010. The subject's assessment reflects a market value of \$57,773 or \$5.38 per square foot of land area, which is above the appraised value and also above the best comparable sale in the record presented by the board of review. The Board finds the subject property is overvalued and a reduction in the assessment commensurate with the appellant's request is warranted.

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.



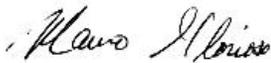
Chairman



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: July 18, 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.