



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

APPELLANT: William Nakulski
DOCKET NO.: 12-01072.001-R-1
PARCEL NO.: 15-21-282-007

The parties of record before the Property Tax Appeal Board are William Nakulski, the appellant, by attorney Leonard Schiller of Schiller Klein PC 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: \$6,406
IMPR.: \$16,939
TOTAL: \$23,345

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) contesting the assessment for the 2012 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 multi-family dwelling of frame construction. The building was constructed in 1900 and has two units. Features of the property include a full basement and a two-car garage. The property has a 9,000 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on December 17, 2010 for a price of \$70,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$45,003. The subject's assessment reflects a market value of \$134,942 when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue. In response the board of review asserted the subject property was never advertised in the local MLS and the contract was subject to the approval of the circuit court of Kane County.

In rebuttal counsel for the appellant asserted the subject property was listed on the multiple listing service (MLS) and submitted a copy of the purported listing. The listing indicated the property was listed on the open market on April 16, 2010 and was off the market on December 1, 2010, with a list time of 230 days. The listing indicated the transaction was a court ordered sale with a court appointed guardian already assigned. Counsel also argued that the supervision of a Kane County judge supports the fact the transaction represented fair market value.

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 finds the best evidence of market value to be the purchase of the subject property in December 2010 for a price of \$70,000. The appellant provided evidence demonstrating the sale had elements of an arm's length transaction. The appellant completed a portion of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not

related and the property was sold using a Realtor. The appellant also submitted a copy of an MLS sheet disclosing the property had been listed on the open market for 230 days. In further support of the transaction the appellant submitted a copy of the sales contract and settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review assertion that the property was not listed in the local MLS was refuted by the appellant. The board of review did not otherwise submit any evidence in support of the subject's assessment or to refute the appellant's argument. Based on this record the Board finds the subject property had a market value of \$70,000 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for Kane County of 33.35% 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. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

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 23, 2015

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.