



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

APPELLANT: Troy & Elizabeth Daum
DOCKET NO.: 12-01083.001-R-1
PARCEL NO.: 06-24-279-011

The parties of record before the Property Tax Appeal Board are Troy and Elizabeth Daum, the appellants, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; 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: \$7,455
IMPR.: \$29,245
TOTAL: \$36,700

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 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 part two-story and part one-story dwelling of frame construction with 1,638 square feet of living area. The dwelling was constructed in 1920. Features of the home include a partial basement, central air conditioning, one fireplace and a detached garage with 520 square feet of

building area. The property has a 5,408 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on thirteen comparable sales. The dwellings were described as two-story homes that ranged in size from 1,236 to 2,082 and in age from 67 to 148 years old. The comparables sold from March 2011 to April 2012 for prices ranging from \$27,650 to \$115,000 or from \$19.10 to \$76.87 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$11,239.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$42,000. The subject's assessment reflects a market value of \$125,937 or \$76.88 per square foot of living area, land included, 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 support of its contention of the correct assessment the board of review submitted a statement from the Elgin Township Assessor asserting that the appellants' thirteen sales were foreclosures, short sales or homes that sold for cash.

In support of the assessment the board of review submitted information on four comparable sales identified by the township assessor. Comparable sale #1 was the same property as appellants' sale #13. The comparables were improved with three part two-story and part one-story dwellings and a 1.5-story dwelling. The dwellings ranged in size from 1,496 to 1,643 square feet of living area and were constructed in 1900 and 1940. The sales occurred from July 2010 to January 2012 for prices ranging from \$115,000 to \$149,000 or from \$76.87 to \$92.15 per square foot of living area, including land.

In rebuttal the appellants acknowledged that the Multiple Listing Service (MLS) sheets indicated comparables #3, #4, #6, #7, #8 and #10 were short sales. The appellants' counsel also submitted copies of the MLS sheets associated with the board of review comparables and noted comparables #1, #2, #3 and #4 were each described as being a "recent rehab" or had upgrades. She asserted that the subject had not been rehabbed or updated.

Conclusion of Law

The appellants contend 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 evidence in the record supports a reduction in the subject's assessment.

The parties submitted information on 16 comparables sales to support their respective positions. The Board gave less weight to appellants' sales #1, #2, #5, #9 and #11 due to the fact each of these comparables was described as being REO/Lender Owned, Pre-foreclosure and being sold "as is" or described as needing rehabbing. Furthermore, four of these comparables had no central air conditioning, four of these comparables had no fireplaces and comparable #9 was dissimilar to the subject in age. Due to circumstances surrounding the sales and based on condition issues, lack of certain features and/or age, these comparables were determined not to be representative of the subject property. Less weight was given appellants' comparable sale #4 due to the fact it was described on the MLS sheet as needing TLC calling into question its condition. No weight was given appellants' sale #6 because it had no basement and no fireplace making it inferior to the subject especially with respect to foundation. Appellants' comparable sale #7 was described on the MLS sheet as needing some work and it had no central air conditioning and no fireplace. As a result little weight was given this comparable. The remaining comparables submitted by the appellant sold for prices ranging from \$36.64 to \$76.87 per square foot of living area, including land. The comparables submitted by the board of review were relatively similar to the subject in style, age and features. These comparables had prices ranging from \$76.87 to \$92.15 per square foot of living area, including land. However, the evidence in the record described these properties as having been recently rehabilitated or as having upgrades while the subject dwelling had not been upgraded making the subject dwelling inferior to these comparables in condition. The Board finds the appellants and the board of review had a common sale identified as appellants' comparable sale #13 and board of review sale #1. This comparable was similar to the subject in size and age but had no central air conditioning and no fireplace, making the home inferior to the subject in these features. However, the MLS sheet on this property stated the home had been completely remodeled whereas the subject dwelling had not been remodeled.

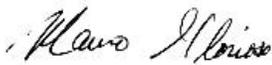
This comparable sold in June 2011 for a price of \$115,000 or \$76.87 per square foot of living area, including land. After considering the best sales from the parties and giving most weight to the common sale in the record, the Board finds the subject's assessment should reflect a market value slightly below that established by the common comparable and 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 22, 2015



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.