



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

APPELLANT: Mass Consumption LLC
DOCKET NO.: 12-01151.001-R-1
PARCEL NO.: 15-27-232-008

The parties of record before the Property Tax Appeal Board are Mass Consumption LLC, the appellant(s), by attorney Jerri K. Bush of Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$2,897
IMPR.: \$22,101
TOTAL: \$24,998**

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 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 single dwelling of frame construction with 1,628 square feet of living area. The dwelling was constructed in 1904. Features of the home include a partial basement and a detached garage. The property has a 6,098 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 May 1, 2011 for a price of \$24,452. Based on this evidence, the appellant requested the subject's assessment be reduced to \$8,150.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$24,998. The subject's assessment reflects a market value of \$74,957 or \$46.04 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 rebuttal the board of review submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject property. The transfer declaration indicated the property had not been advertised for sale, the sale was a court-ordered transaction and the property sold at auction.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales improved with a 1.5-story dwelling and two, 2-story dwellings that ranged in size from 1,289 to 2,246 square feet of living area. Each of the dwellings was constructed in 1900. The sales occurred from September 2009 to July 2010 for prices ranging from \$71,400 to \$100,000 or from \$39.63 to \$58.48 per square foot of living area, including land. The board of review also submitted an assessment equity analysis using three comparables selected by the township assessor.

In rebuttal the appellant's counsel asserted the sale of the subject property was not between related parties or a forced sale.

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 did not meet this

burden of proof and a reduction in the subject's assessment is not warranted.

Section 9-145(a) of the Property Tax Code (35 ILCS 200/9-45(a)) provides that:

Each tract or lot of property shall be valued at 33 1/3% of its fair cash value.

Fair cash value is defined in Section 1-50 the Property Tax Code (35 ILCS 200/1-50) as:

The 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.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables were relatively similar to the subject property. The comparables sold from September 2009 to July 2010 for prices ranging from \$71,400 to \$100,000 or from \$39.63 to \$58.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$74,957 or \$46.04 per square foot of living area, including land, which is within the range established by the comparables.

The Board gave little weight to the subject's sale due to the fact the transfer declaration disclosed the property had not been advertised for sale, the sale was a court ordered transaction and the property sold at auction. The Board finds due to the fact the property was not advertised or exposed on the open market and was a court ordered transaction, demonstrating the sale was not a transaction between a willing seller and a willing buyer, the purchase price is not reflective of fair cash value. Based on this record the Board finds a reduction in the subject's assessment is not 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: January 23, 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.