



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

APPELLANT: Worth Hill
DOCKET NO.: 12-01153.001-R-1
PARCEL NO.: 15-17-376-012

The parties of record before the Property Tax Appeal Board are Worth Hill, the appellant, 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 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: \$4,504
IMPR.: \$17,171
TOTAL: \$21,675

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 one-story single family dwelling of frame construction with 1,096 square feet of living area. The dwelling was constructed in 1956. Features of the property include a crawl space foundation and a detached garage with 315 square feet of building area. The property has an 8,082 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 26, 2010 for a price of \$43,100. 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 \$30,108. The subject's assessment reflects a market value of \$90,279 or \$82.37 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 information on three comparables identified as "Assessor Sales Comps." The comparables were improved with one-story dwellings that ranged in size from 1,008 to 1,293 square feet of living area. The dwellings were constructed from 1960 to 1963. Each comparable had a crawl space foundation, central air conditioning and an attached garage. One comparable had a fireplace. These properties sold from January 2009 to August 2010 for prices ranging from \$115,000 to \$136,000 or from \$88.94 to \$128.97 per square foot of living area, including land.

The board of review submitted information on what was described as "Taxpayer Sales Comps." However, the appellant submitted no comparable sales. Nevertheless, these comparables were improved with one-story dwellings that ranged in size from 768 to 1,260 square feet of living area and were constructed from 1927 to 1954. Three comparables had basements and detached garages. One comparable had an attached garage. These properties sold from August 2011 to May 2012 for prices ranging from \$62,000 to \$76,000 or from \$55.99 to \$80.73 per square foot of living area, including land. The board of review indicated comparables #3 and #4 were foreclosures.

The board of review also provided an analysis of three equity comparables prepared by the township assessor.

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 sales in the record support a reduction in the subject's assessment.

The Board finds the best evidence of market value to be what was described in the board of review submission as the "Taxpayer Sales Comps." These comparables offered varying degrees of similarity to the subject property and sold from August 2011 to May 2012 for prices ranging from \$62,000 to \$76,000 or from \$55.99 to \$80.73 per square foot of living area, including land. According to the board of review comparables #3 and #4 were foreclosures. Section 1-23 of the Property Tax Code (35 ILCS 200/1-23) defines a compulsory sale as:

"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.

Furthermore, section 16-183 of the Property Tax Code (35 ILCS 200/16-183) 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.

Therefore, the Property Tax Appeal Board will give some consideration to these two sales.

The subject's assessment reflects a market value of \$90,279 or \$82.37 per square foot of living area, including land, which is above the range established by the best comparable sales in this record.

The Board gave less weight to the sale of the subject property and the three "Assessor Sales Comps" as they occurred in 2009

and 2010, not as proximate in time to the assessment date at issue.

The Board finds the board of review equity comparables did not address the appellant's overvaluation argument and are given little weight.

Based on this record and considering the best sales as described herein, 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.

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.