



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

APPELLANT: Edeva, LLC
DOCKET NO.: 12-01214.001-R-1
PARCEL NO.: 15-25-428-025

The parties of record before the Property Tax Appeal Board are Edeva, LLC, the appellant, by attorney Dennis M. Nolan of the Law Office of Dennis M. Nolan, P.C. in Bartlett; 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: \$7,882
IMPR.: \$47,599
TOTAL: \$55,481

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 family dwelling of frame construction with 2,002 square feet of living area. The dwelling was constructed in 2002. Features of the home include a slab foundation, central air conditioning and an attached garage with 460 square feet of

building area. The property has a 7,405 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 July 31, 2012 for a price of \$130,000. Based on this evidence, the appellant requested the subject's assessment be reduced to \$43,329.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$55,481. The subject's assessment reflects a market value of \$166,360 or \$83.10 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 comparable sales identified by the assessor. The comparables were improved with two-story dwellings that were identified as being the same model as the subject property. The comparables each had 2,002 square feet of living area and were built from 2003 to 2005. Each comparable had central air conditioning and a garage with 460 square feet of building area. Two comparables had basements. The comparables sold from January 2009 to March 2011 for prices ranging from \$190,000 to \$215,000 or from \$94.91 to \$107.39 per square foot of living area, including land.

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

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.

The Board finds the appellant presented evidence disclosing the subject property sold approximately eight months after the

assessment date at issue for a price of \$130,000 or \$64.94 per square foot of living area, including land. The evidence provided by the appellant indicated the subject property was advertised for sale but was a Bank REO (real estate owned) and was sold by a financial institution. The appellant did not indicate in what matter the subject property was advertised for sale or the length of time the property was exposed on the market. The board of review provided information on three comparable sales that were similar to the subject property with the exception two had basements. The comparables sold from January 2009 to March 2011 for prices ranging from \$190,000 to \$215,000 or from \$94.91 to \$107.39 per square foot of living area, including land. Two comparables sold in September 2010 and March 2011 for prices of \$190,000 and \$193,500 or \$94.91 and \$96.65 per square foot of living area, including land. The Board finds the subject's purchase price of \$130,000 or \$64.94 per square foot of living area, including land, appears to be an outlier when compared to these very similar properties. Without more evidence concerning the manner and length of time the subject property was exposed on the open market as well as the condition of the subject dwelling at the time of sale that may justify such a low price relative to the board of review comparables, the Board finds the sale does not appear to be indicative of fair cash value.

The subject's assessment reflects a market value of \$166,360 or \$83.10 per square foot of living area, including land, which is below the range established by the board of review comparable sales. Based on this record the Board finds a reduction in the subject's assessment is not justified.

No consideration was given the board of review equity analysis as this evidence did not address the appellant's overvaluation argument.

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.