



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

APPELLANT: Hermilo & Elvia Alvarez  
DOCKET NO.: 12-01229.001-R-1  
PARCEL NO.: 15-23-380-042

The parties of record before the Property Tax Appeal Board are Hermilo and Elvia Alvarez, the appellants, by attorney Jerri K. Bush in 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:** \$1,534  
**IMPR.:** \$11,798  
**TOTAL:** \$13,332

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) 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 1.5-story single family dwelling of frame construction with 938 square feet of living area. The dwelling was constructed in 1929. Features of the home include a full basement. The property has a 2,916 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased in October 2010 for a price of \$20,000. The appellants also submitted information on three comparable sales improved with 1.5-story dwellings that ranged in size from 900 to 1,008 square feet of living area. The comparables sold from July 2011 to February 2012 for prices ranging from \$28,000 to \$40,000 or from \$30.30 to \$43.33 per square foot of living area, including land. Based on this evidence, the appellants requested the subject's assessment be reduced to \$6,666.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,332. The subject's assessment reflects a market value of \$39,976 or \$42.62 per square foot of living area, including land, 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.

The board of review submitted a statement asserting that the appellants' comparable sales were foreclosures and comparables #2 and #3 sold in 2012. The board of review also submitted a grid analysis of the appellants' comparable sales which reported the dwellings as being built from 1912 to 1923.

In support of its contention of the correct assessment the board of review submitted a grid analysis prepared by the township assessor containing information on three equity comparables.

In rebuttal the appellants' counsel asserted in part that the equity comparables provided by the board of review should be given little to no weight because the appeal was not based on equity. Counsel also asserted that pursuant to section 16-55(b) of the Property Tax Code (35 ILCS 200/16-55(b)) the board of review must include compulsory sales in reviewing and correcting assessments if the compulsory sales reflect the same property characteristics and condition as the subject property.

#### **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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellants presented evidence disclosing the subject property was purchased in October 2010 for a price of \$20,000 or \$21.32 per square foot of living area, including land. The appellants provided evidence demonstrating the sale had elements of an arm's length transaction. The appellants completed portions of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellants submitted a copy of the settlement statement, a copy of the MLS listing indicating the property was originally listed for a price of \$47,000 and a copy of the Listing & Property History Report. The Board also finds the listing sheet indicates the property was in pre-foreclosure and was being sold "as is." The Board finds, however, the sale is somewhat dated with reference to the assessment date at issue and is to be given less weight.

The appellants also provided information on three comparable sales that were relatively similar to the subject in style, age and size. These properties sold from sold from July 2011 to February 2012 for prices ranging from \$28,000 to \$40,000 or from \$30.30 to \$43.33 per square foot of living area, including land. According to the board of review comparable sales 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 consideration to these sales.

Based on this record, the Board finds the best evidence of value to be the comparable sales that sold more proximate in time to the assessment date than the sale of the subject property. The comparables sold for prices ranging from \$28,000 to \$40,000 or from \$30.30 to \$43.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$39,976 or \$42.62 per square foot of living area, including land, is within the range established by the comparable sales. The Board finds the board of review equity comparables did not address the appellants' overvaluation argument. Nevertheless, 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.

*Ronald R. Crit*

Chairman

*K. L. F...*

Member

*Richard A. ...*

Member

*Mark ...*

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.