



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

APPELLANT: Mark Rockcastle  
DOCKET NO.: 12-01295.001-R-1  
PARCEL NO.: 15-27-452-029

The parties of record before the Property Tax Appeal Board are Mark Rockcastle, the appellant, 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 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:** \$2,963  
**IMPR.:** \$18,715  
**TOTAL:** \$21,678

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 one-story and part two-story dwelling of frame construction with 1,288 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full basement and a detached 340 square foot garage. The property has a 5,663 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on nine comparable sales that sold between February 2011 and May 2012 for prices ranging from \$28,500 to \$69,900 or from \$25.38 to \$60.52 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,482. The subject's assessment reflects a market value of \$85,403 or \$66.31 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.

The board of review submitted a memorandum asserting that a 2012 sale of the subject was a Kane County Sheriff Sale. In addition, the memorandum asserted that appellant's comparables #2, #3 and #4 were Fannie Mae sales and appellant's comparable #5 was a bank sale.

In support of its contention of the correct assessment the board of review submitted a grid of with information on three equity comparables to establish that the subject was uniformly assessed and a grid with information on two comparable sales that occurred in May and November 2010 for prices of \$90,000 and \$111,000 or \$76.45 and \$110.84 per square foot of living area, including land, to establish that the subject was not overvalued. The Board has given no weight to the equity data presented by the board of review as this information is not responsive to the instant overvaluation appeal. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant incorrectly contended that the basis of this appeal was a recent sale of the subject property. In light of this assertion regarding a recent purchase of the subject property, counsel further contended that an arm's length transaction is synonymous with fair cash value as determined by case law applying the provisions of the Property Tax Code and thus the recent sale of the subject should be given most weight. Counsel also argued that equity evidence presented by the board of review was irrelevant to the overvaluation argument made by the appellant.

**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 met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted a total of eleven comparable sales to support the parties' respective positions before the Property Tax Appeal Board.

The Board has given no weight to board of review comparable sales #1 and #2 as the sales occurred in 2010 and are deemed to be remote in time to the valuation date at issue of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board takes judicial notice of Public Act 96-1083 which amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "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.

Section 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.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2011.

Therefore, the Board finds the best evidence of market value to be appellant's comparable sales which range in size from 1,123 to 1,304 square feet of living area. The homes were built between 1900 and 1927. Each comparable features a basement and a garage. Three of the comparables have central air conditioning which the subject property does not have. These most similar comparables sold for prices ranging from \$28,500 to \$69,900 or from \$25.38 to \$60.52 per square foot of living area, including land. The subject's assessment reflects a market value of \$85,403 or \$66.31 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Based on this evidence 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.

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Chairman

*K. L. Fen*

*Mark Albino*

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Member

\_\_\_\_\_  
Member

*DR*

*Jerry White*

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Member

\_\_\_\_\_  
Acting 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: June 26, 2015

*A. Portol*

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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.