



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

APPELLANT: Jesus & Mayela Meraz  
DOCKET NO.: 12-01301.001-R-1  
PARCEL NO.: 15-21-452-014

The parties of record before the Property Tax Appeal Board are Jesus and Mayela Meraz, the appellants, 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:** \$2,720  
**IMPR.:** \$17,710  
**TOTAL:** \$20,430

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) 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 is improved with a two-story multi-family dwelling of frame construction with 1,856 square feet of living area. The building was constructed in 1907. Features of the building include a full basement. The property has a 7,260 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on three comparable sales. The appellants indicated the comparables were improved with two-story buildings that ranged in size from 1,632 to 1,764 square feet of living area. The dwellings were reported to have been built in 1900 and 1912. The sales occurred from July 2011 to February 2012 for prices ranging from \$34,000 to \$54,000 or from \$19.71 to \$31.76 per square foot of living area, including land. The appellants requested the subject's assessment be reduced to \$13,332.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,020. The subject's assessment reflects a market value of \$90,015 or \$48.50 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 a copy of the subject's property record card, information on two comparable sales identified by the township assessor and three equity comparables provided by the township assessor. The subject's property record card and the grid analysis prepared by the assessor disclosed the appellants purchased the subject property in May 2009 for a price of \$90,000.

The two comparable sales presented by the township assessor were improved with a part 1.5-story and part 1-story dwelling and a two-story dwelling that had 1,232 and 2,028 square feet of living area, respectively. These buildings were constructed in 1910 and 1900. The sales occurred in January 2010 and December 2009 for prices of \$95,000 and \$136,000 or for \$77.11 and \$67.06 per square foot of living area, including land.

The board of review also submitted a grid analysis of the appellants' comparable sales in which it reported comparable #2 as having 1,680 square feet of living area and comparable #3 as having 1,632 square feet of living area. Using these sizes the comparables had reported prices of \$23.81 and \$33.09 per square foot of living area, including land, respectively. The board of review also submitted a statement that appellants' comparable #1 was a 2012 sale, comparable #2 was a sheriff sale, and comparable #3 was a bank sale.

In rebuttal, appellants' counsel asserted that section 16-55(b) of the Property Tax Code (hereinafter "the Code") (35 ILCS 200/16-55(b)) requires the board of review to include compulsory sales in reviewing and correcting assessments if the compulsory sales reflect the same property characteristics and condition as the subject property. Counsel also argued the appellants' appeal is not based on assessment equity; therefore, the assessor's equity comparables should be given little weight. Counsel also argued assessor's comparable sale #1 differed from the subject in style and assessor's comparable sale #2 is a larger dwelling with a garage and fireplace. Counsel also argued assessor's sale #2 occurred in 2009 and should be given little to no weight in determining the 2012 assessed value.

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

The Board finds best evidence of market value to be appellants' comparable sales. These comparables sold for prices ranging from \$19.71 to \$33.09 per square foot of living area, including land.<sup>1</sup> The subject's assessment reflects a market value of \$48.50 per square foot of living area, including land, which is above the range established by the best comparable sales in this record.

The board of review provided a statement identifying appellants' comparable sales #2 and #3 as either a sheriff sale or a bank sale. Section 1-23 of the Code defines 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

---

<sup>1</sup> The Board accepted the size for appellants' comparable #3 at 1,632 square feet of living area since both the appellants and the assessor referenced that as the size of the dwelling.

foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

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. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the assessment.

The board gave less weight to the sale of the subject and the two sales provided by the assessor as they did not occur as proximate in time to the assessment date as did the sales provided by the appellants.

The Board gives no weight to the equity comparables submitted by the board of review as this evidence did not address the appellants' overvaluation argument.

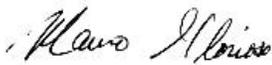
Based on this evidence the Board finds a reduction in the subject's assessment is justified.

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.

\_\_\_\_\_  
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: May 22, 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.