



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

APPELLANT: Lovies Restoration, LLC
DOCKET NO.: 12-01353.001-R-1
PARCEL NO.: 06-14-179-004

The parties of record before the Property Tax Appeal Board are Lovies Restoration, LLC, 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: \$13,170
IMPR.: \$6,840
TOTAL: \$20,010

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 1.5-story two-unit dwelling of frame construction with a total of 1,569 square feet of living area. The dwelling was constructed in 1923. Features of the building include a full basement, central air conditioning and an attached 528 square foot garage.

The property has a 12,240 square foot site and is located in Elgin, Elgin 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 16, 2011 for a price of \$60,000. 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 \$36,663. The subject's assessment reflects a market value of \$109,934 or \$54,967 per apartment unit, 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 which asserted the subject property was purchased as a Foreclosure.

In support of its contention of the correct assessment the board of review submitted information on 14 comparable sales that occurred between May 2009 and January 2012. In addition, the memorandum asserted that an estimated yearly rent for the subject was estimated to be \$18,600 and after extracting a GIM from market data, the memorandum contended the subject has an estimated fair market value of \$120,900 or \$60,450 per unit. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contended that the sale price of the subject property when an arm's length transaction is synonymous with fair cash value as determined by case law applying the provisions of the Property Tax Code.

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 Property Tax Appeal Board gave no weight to board of review comparable sales #1 through #8 as the sales occurred between May 2009 and December 2010 which dates are remote in time to the valuation date 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 also gave reduced weight to board of review comparables #9 through #11 as these two-unit buildings were substantially larger than the subject property. While the best comparable sales presented by the board of review were comparables #12 through #14 which were similar in age, size and/or features to the subject property; these sales do not overcome the apparent arm's length nature of the subject's sale price, particularly where the evidence indicates that the subject property is in less than average condition unlike these comparable sales #12 through #14.

The Board finds the best evidence of market value to be the purchase of the subject property in May, 2011 for a price of \$60,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and the Listing & Property History Report indicates the property was on the market nearly continuously beginning in June 2009 until it sold. The original asking price in June 2009 was \$134,000 with subsequent price reductions to \$98,000 as of October 2010. Then the property was again listed in February 2011 for \$84,000 until it sold to the appellant.

In further support of the transaction the appellant submitted a copy of the Settlement Statement which depicted the payment of brokers' fees. The appellant also submitted a copy of the Multiple Listing Service data sheet that described the property as being sold "as-is," having possible lead-based paint and needing repair to ceilings, plumbing, basement foundation and steps, replace floor covering and water heater with reference to a property condition report.

The Property Tax Appeal Board finds the purchase price of \$60,000 is below the market value reflected by the assessment of \$109,934. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase

price was reflective of market value in light of the condition issues identified in the Multiple Listing data sheet.

Based on this record the Board finds the subject property had a market value of \$60,000 as of January 1, 2012. Since market value has been determined the 2012 three year average median level of assessment for Kane County of 33.35% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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.

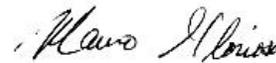
Chairman



Member



Member



Member



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



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.