



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

APPELLANT: Elvia & Samuel Cardenas  
DOCKET NO.: 12-01354.001-R-1  
PARCEL NO.: 03-11-203-060

The parties of record before the Property Tax Appeal Board are Elvia & Samuel Cardenas, 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 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:** \$13,631  
**IMPR.:** \$4,128  
**TOTAL:** \$17,759

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 property consists of a raised ranch single-family dwelling of frame construction with 1,950 square feet of living area including below grade area. The dwelling was constructed in 1961. Features of the home include finished basement area. The property is located in Carpentersville, Dundee 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 on July 14, 2011 for a price of \$53,250. Based on this evidence, the appellants 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." The appellants submitted a copy of the Kane County Board of Review Final Decision disclosing the total assessment for the subject of \$30,618. The subject's assessment reflects a market value of \$91,808 or \$47.08 per square foot of living area along with below grade 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 from the Dundee Township Assessor's Office who indicated that the appellant did not provide any comparables other than data concerning the subject's purchase price.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales that occurred between August 2010 and May 2013. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants 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 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 Property Tax Appeal Board has given no weight to board of review comparables #1 through #3 as these sales occurred in

2010, dates which are remote in time to the assessment date of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value. The Board also gave little weight to board of review comparables #4 and #5 as these dwellings feature central air conditioning, a fireplace and a garage which are features that the subject property does not have.

The appellants provided evidence demonstrating the sale of the subject property had the elements of an arm's length transaction. The appellants 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 it had been on the market for a month. A copy of the Multiple Listing Service data sheet indicated that the home "needs work" and a buyer could "build sweat equity." The property was originally listed for \$50,000 and sold to the appellants for \$53,250. In further support of the transaction the appellants submitted a copy of the Settlement Statement depicting the payment of brokers' fees.

While the Property Tax Appeal Board considered that board of review comparable sale #6 was very similar to the subject property and sold in May 2013 for \$94,900, based on the record evidence, the Board finds the purchase price of the subject property is the best evidence of its market value as of the assessment date of January 1, 2012 in light of its apparent condition issues. The purchase price of \$53,250 is greater than the subject's estimated market value as reflected by its assessment of \$91,808. In addition, 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 given the apparent condition issues related to the subject property.

Based on this record the Board finds the subject property had a market value of \$53,250 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.

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Chairman

*K. L. Fen*

*Mark Albino*

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Member

\_\_\_\_\_  
Member

*[Signature]*

*Jerry White*

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Member

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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

*[Signature]*

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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.