



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

APPELLANT: Nicanor Perez-Patino  
DOCKET NO.: 12-01355.001-R-1  
PARCEL NO.: 06-24-226-006

The parties of record before the Property Tax Appeal Board are Nicanor Perez-Patino, 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: \$9,105  
IMPR.: \$14,240  
TOTAL: \$23,345**

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 dwelling of frame construction with 1,710 square feet of living area. The dwelling was constructed in 1890. Features of the home include a partial basement, central air conditioning, a fireplace and a detached 400 square foot garage. The property

has an 11,055 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 September 27, 2011 for a price of \$70,000. 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 \$43,886. The subject's assessment reflects a market value of \$131,592 or \$76.95 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 the subject was purchased in September 2011 as a Short Sale and no comparable sales were submitted by the appellant.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales that occurred between July 2010 and January 2012. 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 has given no weight to board of review comparable sales #3 through #5 as these three properties

sold between July 2010 and December 2010 for prices ranging from \$140,000 to \$170,000. The Board finds these three sales are too remote in time to the assessment date of January 1, 2012 to be indicative of the subject's estimated market value as of the assessment date. Moreover, the Board finds that board of review sales #1 and #2 that occurred more proximate to the assessment date in June 2011 and January 2012 for prices of \$115,000 and \$126,500, respectively, further support the fact that the passage of time has impacted sales prices of similar properties.

Despite the fact that board of review comparables #1 and #2 have some similarities to the subject property, the Board finds the best evidence of market value to be the purchase of the subject property in September, 2011, a date approximately three months prior to the assessment date, for a price of \$70,000. The appellant provided evidence demonstrating the sale of the subject 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 it had been on the market for ten months. A copy of the Multiple Listing Service data sheet indicated that the subject property "needs some updates." In further support of the transaction the appellant submitted a copy of the Settlement Statement depicting the payment of brokers' fees.

On this record, the Property Tax Appeal Board finds the purchase price of \$70,000 is below the market value reflected by the assessment of \$131,592. Moreover, board of review comparable sales #1 and #2 further supports that the subject property is overvalued. Additionally, the Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction besides asserting it was a "short sale" or to refute the contention that the purchase price was reflective of market value given the assertion that the property needed "updates."

Based on this record the Board finds the subject property had a market value of \$70,000 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.

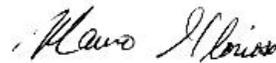
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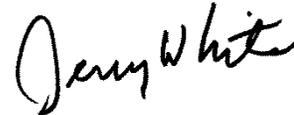
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Member



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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



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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.