



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

APPELLANT: Gustavo Yanez
DOCKET NO.: 12-01357.001-R-1
PARCEL NO.: 15-29-228-014

The parties of record before the Property Tax Appeal Board are Gustavo Yanez, 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 no change 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: \$2,815
IMPR.: \$27,596
TOTAL: \$30,411

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 single-family dwelling of frame construction with 1,370 square feet of living area. The dwelling was constructed in 1929. Features of the home include a full basement and an attached 383 square foot garage. The property has a 6,044

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 three comparable sales. Based on this evidence, the appellant requested a total assessment of \$19,498 which would reflect a market value of approximately \$58,494.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,411. The subject's assessment reflects a market value of \$91,187 or \$66.56 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 document asserting that appellant's comparables were a short sale, a bank sale and an FNMA sale, respectively.

In support of its contention of the correct assessment the board of review submitted information on one comparable sale. In addition, the board of review submitted information on three equity comparables which the Board finds is not responsive to the appellant's overvaluation argument and therefore this equity data will not be addressed further on this record.

In written rebuttal, counsel for the appellant argued that the equity data presented by the board of review was irrelevant to the basis of this appeal. Counsel also acknowledged that some of the comparable sales presented by the appellant may be foreclosures or short sales; however, in light of provisions of the Property Tax Code, compulsory sales are to be considered by both the board of review and by the Property Tax Appeal Board in revising and correcting assessments. (Citing 35 ILCS 200/16-55(b) & 16-183) As to the one sale presented by the board of review, counsel contends that one property should not be used to determine the estimated market value of the subject property.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of four comparable sales to support their respective positions before the Property Tax Appeal Board. The Board finds the comparables had varying degrees of similarity when compared to the subject property. The comparables were built between 1907 and 1943. The comparable dwellings range in size from 1,089 to 1,425 square feet of living area. Each comparable has a partial basement and a garage like the subject.

The comparables sold between January 2011 and March 2012 for prices ranging from \$53,500 to \$105,000 or from \$42.11 to \$90.21 per square foot of living area, including land. The subject's assessment reflects a market value of \$91,187 or \$66.56 per square foot of living area, including land, which is within the range established by the comparable sales in this record both in terms of overall value and on a per-square-foot basis. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.

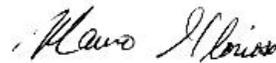
Chairman



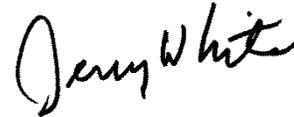
Member



Member



Member



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.