



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

APPELLANT: Marie MacDonald  
DOCKET NO.: 12-01429.001-R-1  
PARCEL NO.: 06-25-176-021

The parties of record before the Property Tax Appeal Board are Marie MacDonald, 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:** \$ 7,491  
**IMPR:** \$ 34,001  
**TOTAL:** \$ 41,492

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 one-story frame dwelling that has 1,176 square feet of living area. The dwelling was constructed in 1920. Features include a partial unfinished basement, central air conditioning and a detached 240 square foot garage. The subject property has 7,500 square feet of land

area. The subject property is located in Elgin Township, Kane County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted four suggested comparables and the subject's sale price.

The appellant's appeal petition indicated the subject property sold in May 2009 for \$44,000. The appellant submitted the Multiple Listing Service (MLS) and listing history associated with the sale of the subject property.

The comparable sales are reportedly located from .2 of a mile to 1.1 miles from the subject. The land size of one comparable was not disclosed. The comparables had varying degrees of similarity when compared to the subject. The comparables sold from April 2011 to June 2012 for prices ranging from \$28,200 to \$43,000 or from \$26.31 to \$42.02 per square foot of living area including land. Based on the evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,492. The subject's assessment reflects an estimated market value of \$124,414 or \$105.79 per square foot of living area including land when applying the 2012 three-year average median level of assessment for Kane County of 33.35%.

In support of the subject's assessment, the board of review submitted an income approach to value and five suggested comparable sales. The evidence was prepared by the Elgin Township Assessor's Office.

The comparables had varying degrees of similarity when compared to the subject. The comparables sold from February 2010 to September 2012 for prices ranging from \$100,000 to \$121,000 or from \$110.00 to \$152.00 per square foot of living area including land.

Because the subject is a rental dwelling, the assessor developed the income approach to value using the gross rent multiplier (GRM) methodology. Based on 55 suggested rental comparables, which had monthly rents ranging from \$750 to \$1,800, the assessor concluded the subject property would have a monthly rental rate of \$1,250 or a gross annual income of \$15,000. Using five suggested comparable sales that sold from February

2009 to December 2010, the assessor extracted a GRM of 8.33. Applying the GRM of 8.33 to the subject's estimated gross annual income of \$15,000, the assessor concluded the subject property had a market value of \$124,488 under income approach to value.

With respect to the evidence submitted by the appellants, the assessor argued comparables #2, #3, #4 and #5 are located on the lower east side of Elgin, which have had problems with water back-ups and flooding. The subject is located in South Elgin near new junior and senior high schools that help maintain property values and were not "hit as hard" by foreclosures. Comparable sales #1, #2, #3, and #5 were foreclosure sales with limited exposure to the market.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 no reduction in the subject's assessment is warranted.

The Board gave no weight to the subject's May 2009 sale for \$44,000. This sale occurred over two and one-half years prior to the subject's January 1, 2012 assessment date, which is considered dated and not a reliable indicator of market value.

The Board gave little weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. The courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach. Since there is credible market

sales contained in the record, the Board placed most weight on this evidence.

The parties submitted eleven suggested comparable sales for the Board's consideration. The Board gave little weight to the comparables submitted by the appellant. Comparables #2, #3, #4 and #5 are located in the dissimilar market area of Elgin that has a propensity to flood, unlike the subject's location in South Elgin. Additionally, comparable #2 is a dissimilar one and one-half story dwelling, unlike the subject. Comparables #1, #5 and #6 were only sold after being advertised for only 9 to 29 days, which calls into question valid market exposure to be considered arm's length transactions. The Board also gave less weight to the comparables #2, #3 and #4 submitted by the board of review. These comparables have crawl space foundations, unlike the subject's partial unfinished basement. Moreover, comparables #2 and #3 sold in 2010, which are dated and less reliable indicators of market value as of the subject's January 1, 2012 assessment date.

The Board finds the best indicators of the subject's market value are comparables #1 and #5 submitted by the board of review. These comparables were most similar to the subject in location, age, design, size, features and sold more proximate in time to the subject's assessment date. They sold for prices of \$100,000 and \$110,000 or \$110.00 and \$113.00 per square foot of living area including land, respectively. The subject's assessment reflects a market value of \$124,414 or \$105.79 per square foot of living area including land, which is supported by the most similar comparable sales contained in this record on a per square foot basis. As a result, the Board finds no 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.

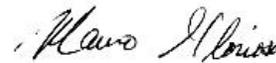
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Chairman



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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.