



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

APPELLANT: Guillermina Tackett
DOCKET NO.: 12-01446.001-R-1
PARCEL NO.: 06-11-429-009

The parties of record before the Property Tax Appeal Board are Guillermina Tackett, the appellant, by attorney Jerri K. Bush of 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: \$8,496
IMPR.: \$26,188
TOTAL: \$34,684

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 two-story multi-family dwelling of frame construction with 1,924 square feet of living area. The dwelling was constructed in 1903. Features of the property include two apartments, a full unfinished basement, an open frame porch, an enclosed frame porch and a detached garage with 440 square feet of building area. The property 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 December 1, 2011 for a price of \$104,000. The seller was identified as Demetrio Diaz, who was not related to the appellant. The appellant also indicated the property had been listed on the open market with a Realtor and had been advertised for sale through the Multiple Listing Service (MLS). The appellant also submitted a copy of the MLS listing sheet disclosing the property was on the market for 120 days and the transaction was identified as a short sale. Based on this evidence, the appellant requested the subject's assessment be reduced to \$34,663.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$42,896. The subject's assessment reflects a market value of \$128,624 or \$66.85 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.

In support of its contention of the correct assessment the board of review submitted a grid analysis using 14 sales and a gross income multiplier (GIM) analysis. Comparable #13 was the subject property. The comparables were improved with two-story, two unit, dwellings that ranged in size from 1,119 to 2,528 square feet of building area. The buildings were constructed from 1883 to 1968. The sales occurred from May 2009 to January 2012 for prices ranging from \$90,000 to \$220,000 or from \$45,000 to \$110,000 per unit. The analysis indicated the comparables had GIMs ranging from 4 to 17. The board of review also submitted a rental comparable chart. The subject's assessment reflects a market value of \$64,312 per unit. 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in December 2011 for a price of \$104,000. 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 through the Multiple Listing Service and it had been on the market for 120 days. In further support of the transaction the appellant submitted a copy of the settlement statement and the MLS listing. The Board finds the purchase price is below the market value reflected by the subject's assessment.

Furthermore, the board of review presented information on comparable sales with comparables #9, #10, #11, #12 and #14 occurring most proximate in time to the assessment date at issue. These comparables sold for prices ranging from \$105,000 to \$110,000 or from \$52,500 to \$55,000 per unit. The Board finds these sales support the conclusion the subject's purchase price of \$104,000 or \$52,000 per unit is reflective of fair cash value. Based on this record the Board finds a reduction in the subject's assessment is appropriate.

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

K. L. Ferr

Member

[Signature]

Member

Mark Albino

Member

Jerry White

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]

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.