



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

APPELLANT: Matthew Gebben
DOCKET NO.: 12-01762.001-R-1
PARCEL NO.: 06-03-429-008

The parties of record before the Property Tax Appeal Board are Matthew Gebben, the appellant, 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: \$16,665
IMPR.: \$14,999
TOTAL: \$31,664

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 one-story single family dwelling of frame construction with 1,402 square feet of living area. The dwelling was constructed in 1960. Features of the home include a full unfinished basement, central air conditioning, two fireplaces, a four season room and a two-car attached garage. The property is located in Elgin, Elgin Township, Kane County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in June 2012 for a price of \$95,000. The appellant testified the subject property was purchased out of foreclosure from Fannie Mae Federal National Mortgage. The appellant did not know who the previous owner of the property was and he was not related to the previous owner. The appellant provided a copy of the multiple listing for the subject property disclosing the property had been on the market for 167 days. The appellant testified the property was listed with a Realtor and the property was also advertised on the internet, which was how he found the property. He testified the property was advertised with a price of \$105,000. He offered \$85,000 for the property and the seller countered with a price of \$95,000, which was accepted. The appellant testified the property had been on the market for 300 something days.

The appellant asserted the home was in poor condition at the time of purchase. He testified that at the time of purchase the property was not livable. Mr. Gebben explained that the plumbing had to be gutted, the electrical had to be gutted out of the home and the drywall in the basement had to be removed. He asserted that he was aware of these issues at the time of purchase. The appellant also testified he did the work of replacing the plumbing and wiring himself. The appellant had to replace the drain lines and copper water lines in the home. The appellant also explained that the previous owner had added circuits illegally, which had to be stripped out and redone. The electrical panel box had melted wires due to the added circuits. He also had to replace the garage door, because it was broken and rotted, and the garage door opener. The drywall in the basement had to be removed because it was moldy. The water heater, central air conditioning and the furnace all had to be replaced. The total cost to repair home was approximately \$18,000, all of which was incurred during 2012. Based on this evidence, the appellant was of the opinion that the purchase price was what the property was worth as of January 1, 2012.

In further support of the overvaluation argument the appellant submitted information on four comparable sales located in Elgin from approximately 1 block to 1 mile from the subject property. The comparables were improved with ranch style homes that sold from October 2012 to March 2013 for prices ranging from \$80,000 to \$123,400 or from \$60.31 to \$122.60 per square foot of living area, including land.

At the hearing the appellant further explained that the subject property has .47 acres of land but only approximately 9,400 square feet is usable due a creek on either side of the house for run-off.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$60,736. The subject's assessment reflects a market value of \$182,226 or \$129.98 per square foot of living area, land included, when using statutory level of assessments.

At the hearing the Chairman of the Kane County Board of Review, Kevin J. Schulenburg, was of the opinion the property was over assessed. He was of the opinion that a more appropriate value would be \$125,000 based on the subject's listing in January 1, 2012 for \$139,000 and the appellant's comparable sales. In support of its contention of the correct assessment the board of review submitted information on eight comparable sales. However, Mr. Schulenburg was of the opinion appellant's comparables were more representative of the subject property based on condition.

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 June, 2012 for a price of \$95,000. A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1st Dist. 1983). The Board finds the appellant provided testimony and evidence demonstrating the sale had the elements

of an arm's length transaction. The appellant established 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 the internet. The property had also been on the market for at least 167 days. Significantly, the appellant provided testimony about the poor condition of the home at the time of purchase and the significant repairs that were made following the purchase, which, no doubt, impacted the purchase price. The Board finds the purchase price is below the market value reflected by the subject's assessment. The Board finds the purchase price is the most probative evidence of market value in this record for the subject property as of January 1, 2012. Based on this record the Board finds a reduction in the assessment of the subject property is justified to reflect the purchase price.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Mario Morris

Member

J. R.

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: May 21, 2014

Allen Castrovillari

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.