

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Anthony and Debra Mendyk  
DOCKET NO.: 06-01639.001-R-1  
PARCEL NO.: 03-08-251-007

The parties of record before the Property Tax Appeal Board are Anthony and Debra Mendyk, the appellants, and the Kane County Board of Review.

The subject property consists of a 4,018 square foot single family brick and frame two-story residence constructed in 2001. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces and a 693 square foot three-car garage.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of March 9, 2007. The appraiser used the cost and sales comparison approaches in estimating a value for the subject of \$420,000.

In the cost approach, the appraiser determined a land value of \$75,000 based on similar sales in the subject's area. The appraiser consulted the National Building Cost Manual in estimating a reproduction cost new of the improvements of \$398,010. Depreciation of \$13,155 was subtracted from this figure, leaving a depreciated value of the improvements of \$384,855, to which site improvements of \$5,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$464,900.

In the sales comparison approach, the appraiser examined six comparable properties. The comparables consist of two-story style brick and frame dwellings that were between four and seven years old and contained either 2,988 or 4,050 square feet of living area. Features of the comparables include central air-conditioning, partial unfinished basements and two or three-car garages. Four of the comparables had a fireplace. Four of the comparables sold from March 2006 to February 2007 for prices ranging from \$341,000 to \$407,000 or from \$90.12 to \$114.12 per

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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:	\$	19,185
IMPR.:	\$	122,467
TOTAL:	\$	141,652

Subject only to the State multiplier as applicable.

square foot of living area, including land. Two of the comparables were sales listings of \$375,000 and \$479,000, respectively. The appraiser adjusted the comparables for differences when compared to the subject for such items as site, view, quality of construction, condition, size, functional utility, garage size and other features. After making these adjustments, the four comparables had adjusted sales prices ranging from \$407,000 to \$428,500 or from \$100.49 to \$140.39 per square foot of living area, including land. The two sale listings had adjusted list prices of \$98.77 and \$107.65 per square foot of living area, including land. The appraiser concluded a value for the subject by the sales comparison approach of \$420,000 or \$103.70 per square foot of living area, including land.

In her final reconciliation, the appraiser placed most weight on the sales comparison approach because properties like the subject seldom sell on the basis of their depreciated cost plus land value as used in the cost approach. Based on this evidence, the appellants requested a reduction in the subject's assessment to \$139,986.

During cross examination the board of review questioned the appellants regarding the dates of sale, purpose of the appraisal and quality of the comparables used in the appraisal. The appraiser was not present at the hearing to provide direct testimony or subject to cross-examination regarding the adjustments contained within the appraisal, methodology used or final value conclusions. The board of review objected to the admission of the appraisal into evidence as hearsay.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$152,868 was disclosed. The subject has an estimated market value of \$458,650 or \$113.25 per square foot of living area including land, as reflected by its assessment and Kane County's 2006 three-year median level of assessments of 33.33%.

In support of the subject's estimated market value, the board of review submitted a summary argument letter, photographs and a grid analysis of nine comparables. The nine sales comparables consist of brick and frame dwellings that were described as ranging from one to ten years old. The properties ranged in size from 2,700 to 4,008 square feet of living area. Features of these comparables include partial or full basements and attached garages. Six of the properties were "Westchester" models similar to the subject. The evidence depicts four of the comparables sold between August 2006 and January 2007 for prices ranging from \$375,000 to \$407,000 or from \$93.56 to \$149.81 per square foot of living area, including land. The size of one of the comparables was not disclosed.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further

finds a reduction in the subject property's assessment is warranted. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2<sup>nd</sup> 1256 (2<sup>nd</sup> Dist. 2000). The Board finds the appellants have overcome this burden.

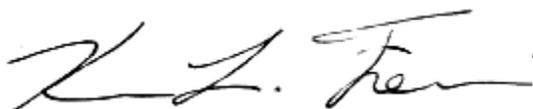
The Board finds the appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$420,000 as of March 9, 2007. The appraiser was not present at the hearing to provide direct testimony or to be subject to cross examination regarding her methodology or final value conclusions; therefore, the Board will only consider the raw sales data contained within the appraisal report. The Board gave less weight to the appellants' comparables #1, #5 and #6 because they were much smaller than the subject or had not yet sold whereby market value could be clearly established. The Board recognizes that the current listing prices tend to demonstrate the upper range of value within the subject's market. The Board also gave less weight to the board of review's comparables #2, #4 and #6 through #9 because of their location, size and or missing sales data. The Board finds the appellants' comparables #2 through #4 and the board of review's comparables #1, #3 and #5 were most similar to the subject property. These comparables sold from August 2006 to February 2007 for prices ranging from \$93.56 to \$105.80 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$458,650 or \$113.25 per square foot of living area including land, which is above the range established by the most comparable properties contained in this record. The subject's estimated market value on a per square foot basis is more than the most similar sales comparables contained in this record.

In conclusion, the Board finds the appellants have demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted.

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

Member

*Mark Morris*

*William R. Gorski*

Member

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: April 24, 2009

*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.