

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: John and Phyllis Hall
DOCKET NO.: 06-01979.001-R-1
PARCEL NO.: 03-29-455-007

The parties of record before the Property Tax Appeal Board are John and Phyllis Hall, the appellants, and the Kane County Board of Review.

The subject property consists of a 28,298 square foot parcel improved with a 3,973 square foot single family cedar two-story residence constructed in 1971. Features of the home include a partial finished basement, central air-conditioning, three fireplaces and a three-car garage.

The appellants, through John Hall, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted two appraisals of the subject property. The first appraisal had an effective date of January 1, 2006 with an estimated value for the subject of \$455,000. The second appraisal had an effective date of January 24, 2007 with an estimated value of \$480,000. The same appraiser prepared both appraisal reports.

In the first appraisal, the appraiser, using the cost approach, determined a land value of \$165,000 based on the allocation method. The appraiser consulted the Marshall & Swift Cost Manual in estimating a reproduction cost new of the improvements of \$412,086. Depreciation of \$132,627 was subtracted from this figure, leaving a depreciated value of the improvements of \$279,459, to which site improvements of \$20,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$464,500.

In the sales comparison approach, the appraiser examined four comparable properties. The comparables consist of three, two-story and one, quad level style cedar, cedar and brick, or frame dwellings that were between 21 to 100 years old. It was reported that comparable number four had an effective age of five to eight years old. The comparables ranged in size from 3,252 to 3,900 square feet of living area. Features of the comparables include

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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:	\$	28,550
IMPR.:	\$	148,099
TOTAL:	\$	176,649

Subject only to the State multiplier as applicable.

central air-conditioning, a two or three-car garage, and a full or partial basement. Each comparable had at least one fireplace and a deck or patio. The comparables sold from December 2004 to October 2005 for prices ranging from \$430,000 to \$600,000 or from \$110.26 to \$156.99 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as site, size, condition, basement finish, number of fireplaces and garage size. After making these adjustments, the comparables had adjusted sales prices ranging from \$422,500 to \$483,500 or from \$108.33 to \$139.61 per square foot of living area, including land. The appraiser concluded a value for the subject by the sales comparison approach in the first appraisal of \$455,000.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach because "best measures current market and was used exclusively in this report."

In the second appraisal, the appraiser, using the cost approach, determined a land value of \$175,000 based on the allocation method. The appraiser consulted the Marshall & Swift Cost Manual in estimating a reproduction cost new of the improvements of \$427,830. Depreciation of \$132,627 was subtracted from this figure, leaving a depreciated value of the improvements of \$295,203, to which site improvements of \$20,000 were added. Incorporating the land value resulted in an indicated value by the cost approach of \$490,200.

In the sales comparison approach, the appraiser examined four comparable properties. The comparables consist of three, two-story and one, split level style frame, brick and cedar or cedar dwellings that were between 21 to 100 years old. It was reported that the comparables had effective ages ranging from 5 to 25 years old. The comparables ranged in size from 3,205 to 3,822 square feet of living area. Features of the comparables include central air-conditioning, a three or four-car garage, and a full or partial basement. Each comparable had at least one fireplace and a deck or patio. The comparables sold from September 2005 to October 2006 for prices ranging from \$431,000 to \$600,000 or from \$122.72 to \$156.99 per square foot of living area including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as condition, gross living area, basement finish, number of fireplaces, garage size and utilities. After making these adjustments, the comparables had adjusted sales prices ranging from \$469,000 to \$484,000 or from \$126.50 to \$150.11 per square foot of living area, including land. The appraiser concluded a value for the subject by the sales comparison approach in the second appraisal of \$480,000.

In his final reconciliation, the appraiser placed most weight on the sales comparison approach because it "best measures current market and was used exclusively in this report." Based on this evidence, the appellants requested a reduction in the subject's assessment.

During cross examination the board of review questioned the appellant regarding the purpose of the appraisal. The appraiser was not present to provide direct testimony or be subject to cross examination. The board of review objected to the admissibility of the appraisals as hearsay.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$176,649 was disclosed. The subject has an estimated market value of \$530,000 or \$133.40 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 sales grid analysis of three comparables that were also used by the appellants in their analysis. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 not 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.2nd 1256 (2nd Dist. 2000). The Board finds the appellants have not overcome this burden.

The Board finds the appellants submitted two appraisals of the subject property in which the subject's market value was estimated to be \$455,000 and \$480,000, respectively. The appraiser was not present at the hearing to provide direct testimony or be subject to cross examination regarding his methodology or final value conclusions, therefore, the Board will only consider the raw sales data contained within the appraisals. The board of review submitted three comparable sales that were also used by the appellants.

For this analysis, the Property Tax Appeal Board will refer to the appellants' comparables. The appellants' raw sales data depicts a total of seven comparable sales that sold for prices ranging from \$110.26 to \$156.99 per square foot of living area including land. The Board gave less weight to comparable #4 because of its significantly older age. No information was provided regarding the extent of rehabilitation to this property to give credibility to its reported effective age. The Board also gave less weight to comparables #3 (appraisal #1) and comparables #1, #2 and #3 (appraisal #2) because of their ages, location and/or dissimilar designs when compared to the subject. The Board finds the remaining comparables (#1 and #2 (appraisal #1)) to be the best evidence of the subject's estimated market value. These two comparables sold for prices ranging from \$137.28 to \$140.84 per square foot of living area including land. The subject has an estimated market value of \$530,000 or

\$133.40 per square foot of living area including land. The subject's estimated market value on a per square foot basis is less than the most similar sales comparables contained in this record.

In conclusion, the Board finds the appellant has not 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 correct and a reduction is not 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.

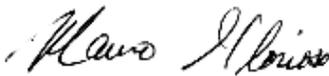
Chairman



Member



Member



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



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.