

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Ron and Andrea Preston
DOCKET NO.: 06-01982.001-R-1
PARCEL NO.: 11-12-205-027

The parties of record before the Property Tax Appeal Board are Ron and Andrea Preston, the appellants, and the Kane County Board of Review.

The subject parcel of 10,000 square feet of land area has been improved with a two-story style frame dwelling, built in 1999, that contains 2,611 square feet of living area. Features of the home include central air-conditioning, one fireplace, a two-car garage of 430 square feet, and a full basement of 1,289 square feet of which 90% is finished. The property is located in Geneva, Blackberry Township, Kane County, Illinois.

The appellants submitted evidence to the Property Tax Appeal Board claiming both unequal treatment in the assessment process and overvaluation regarding the subject's land and improvements as the bases of this appeal.

In support of the land inequity argument, the appellants submitted land assessment information on four comparable properties said to be located with .04 miles of the subject. The comparable lots range in size from 8,042 to 18,334 square feet of land area and have land assessments ranging from \$22,743 to \$34,519 or from \$1.66 to \$3.73 per square foot of land area. The subject has a land assessment of \$24,804 or \$2.48 per square foot of land area.

In support of the improvement inequity argument, the appellants submitted a grid analysis with improvement information on the same four comparables used to support the land inequity contention. The comparables were reported to consist of two-story style frame dwellings which were 9 or 10 years old. Features of the comparables include central air-conditioning, one fireplace, full basements ranging in size from 1,188 to 1,900 square feet of building area, one of which includes finished area, and two or three-car garages. The comparables range in size from 2,734 to 3,800 square feet of living area. These

(Continued on Next Page)

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:	\$	24,804
IMPR.:	\$	75,719
TOTAL:	\$	100,523

Subject only to the State multiplier as applicable.

properties have improvement assessments ranging from \$68,520 to \$86,633 or from \$22.80 to \$26.72 per square foot of living area. The subject has an improvement assessment of \$93,996 or \$36.00 per square foot of living area.

In support of the overvaluation argument, the appellants submitted an appraisal of the subject property wherein the appraiser opined the subject had a market value of \$370,000 or \$141.71 per square foot of living area, including land, as of September 22, 2006. Upon reviewing the appraisal, it is noted that the appraiser analyzed the subject dwelling as containing 2,544 square feet of living area, rather than the 2,611 square feet of living area reported by both the appellant and the board of review in this matter.

The appraiser set forth four suggested sales comparables noted as being located from .36 to 1.78 miles from the subject. The comparables were two-story dwellings which were of frame construction and built between 1997 and 2001. Each comparable had central air conditioning and a two or three-car garage; three comparables had a fireplace also. Each comparable had a basement, two of which were finished and one of those also featured a walkout basement style. The comparables ranged in size from 2,130 to 2,524 square feet of living area. The comparables sold between November 2005 and June 2006 for prices ranging from \$344,000 to \$386,000 or from \$148.09 to \$169.60 per square foot of living area, including land. The appraiser made adjustments to the comparable sales for differences in financing, view, living area square footage, basement style and/or finish, garage stalls, and differences in other amenities such as decks, fireplaces, and three-season rooms from the subject. After adjustments, the appraiser concluded adjusted sale prices for the comparables ranging from \$368,955 to \$375,540 or from \$146.99 to \$173.70 per square foot of living area, including land. Under the sales comparison approach, the appraiser estimated the subject had a market value of \$370,000.

The appraiser also performed a cost approach to value analysis estimating the land to have a value of \$120,000. The appraiser further estimated the replacement cost new of the dwelling from the Marshall & Swift Handbook to be \$228,960 with an additional \$19,335 for the basement, fireplace, patio and porch and another additional \$8,600 for the 430 square foot garage. The appraiser estimated physical depreciation of 10% using the age/life method and arrived at a deduction of \$25,690 for a depreciated replacement cost new of the improvements of \$231,205. The appraiser added \$20,000 for the "as-is" value of the site improvements such that under the cost approach the appraiser estimated a value of \$371,200 for the subject property.

Upon reconciling his two approaches to value, the appraiser concluded an estimated fair market value of the subject of \$370,000.

As set forth in their Residential Appeal petition, appellants requested a total assessment for the subject property of \$108,707. This reduced assessment would reflect an estimated fair market value for the subject property of \$326,154 or \$124.92 per square foot of living area, including land, using the 2006 three-year median level of assessments in Kane County of 33.33% as determined by the Illinois Department of Revenue.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$118,800 was disclosed. The subject has an estimated market value of \$356,436 or \$136.51 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 assessment, the board of review submitted a letter prepared from the Blackberry Township Assessor along with two grid analyses. In the assessment grid analysis of nine comparables, the descriptions of the comparable dwellings along with 2007 assessed values were presented. In support of the subject's land assessment, the township assessor wrote that land was assessed using the site value methodology whereby previous sales of similar feature land only determine the land values for the re-value process. No land size data was included for any of the comparables in the grid and the land assessment data for the comparables presented was from 2007.

In the second grid analysis of sales, six comparable properties were presented which were described as two-story, frame dwellings built between 1999 and 2002. Features included basements and a two-car garage; five of the comparables had a fireplace. Two comparables had decks and one comparable had additional amenities of a gazebo and pool. The dwellings ranged in size from 2,455 to 3,025 square feet of living area. The properties sold between April 2004 and March 2006 for prices ranging from \$335,000 to \$401,000 or from \$118.02 to \$158.56 per square foot of living area, including land.

Based on the foregoing evidence, the board of review requested the subject's total assessment be confirmed.

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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is warranted.

The appellants' first argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After

an analysis of the assessment data, the Board finds the appellants have overcome this burden as to the improvement assessment, but have not overcome this burden as to the land assessment.

In light of the submission of 2007 assessment data by the board of review, the Property Tax Appeal Board finds that the board of review submitted no valid land or improvement assessment data in support of the equity of the subject's assessment so as to refute the appellants' lack of uniformity argument.

Regarding the land inequity contention, the Board finds the appellants submitted four comparables. The comparables had land assessments ranging from \$1.66 to \$3.73 per square foot of land area. The subject's land assessment of \$2.48 per square foot falls within this range. The Board gave no weight to the 2007 land assessment data submitted by the board of review since this was a 2006 assessment appeal. In light of the appellants' land assessment data, the Property Tax Appeal Board finds the evidence in the record supports the subject's land assessment and no reduction is warranted.

As to the improvement inequity argument, the Board finds the appellants submitted a four comparables and the board of review sought to submit nine comparables. However, the board of review submitted 2007 improvement assessment data for the instant 2006 appeal and thus the Property Tax Appeal Board has given no weight to the board of review's improvement assessment data. The Board also gave less weight to the appellants' comparables #1 and #2 because they were significantly larger in living area when compared to the subject. The Board finds appellants' comparable #3 and #4 were similar to the subject in terms of style, size and most property characteristics and had improvement assessments of \$25.06 and \$26.72 per square foot of living area. The subject's improvement assessment of \$36.00 per square foot of living area is significantly above this range. The subject, however, has a 90% finished basement whereas the comparables were not reported to have finished basements. The Board finds this amenity would justify an improvement assessment slightly above that of the most similar comparables on this record. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not equitable and a reduction in the subject's improvement assessment is warranted.

The appellants also argued overvaluation as a basis of the appeal. 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). After analyzing the market evidence submitted, the Board finds the appellants have failed to overcome this burden.

The Board finds the appellants submitted a recent appraisal estimating the subject to have a fair market value of \$370,000 in

support of his overvaluation contention. The board of review submitted six comparable sales to support the subject's current assessment which reflected an estimated fair market value of approximately \$356,436 or \$136.51 per square foot of living area including land, based on Kane County's 2006 three-year median level of assessments of 33.33%. Based on this analysis, the Property Tax Appeal Board finds that the appellants' market value evidence failed to establish that the subject property was overvalued.

In conclusion, the Property Tax Appeal Board finds the appellants have failed to prove unequal treatment in the land assessment process by clear and convincing evidence, but did prove unequal treatment in the improvement assessment process by clear and convincing evidence. Additionally, the appellants failed to prove overvaluation by a preponderance of the evidence. The Board finds that the subject's land assessment as established by the board of review is correct and no reduction is warranted. The Board further finds that the subject's improvement assessment as established by the board of review is incorrect and a reduction is warranted.

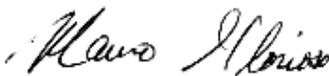
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



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: August 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.