

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Robert & Bonnie Wozniak
DOCKET NO.: 06-02831.001-R-1
PARCEL NO.: 12-23-380-006

The parties of record before the Property Tax Appeal Board are Robert & Bonnie Wozniak, the appellants, and the Kane County Board of Review.

The subject property consists of an owner occupied residential dwelling located in Batavia Township, DuPage County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming the subject's assessment was not uniform and not reflective of its fair market value. The evidence also revealed the subject property was the matter of an appeal before the Property Tax Appeal Board the prior assessment year under docket number 05-00798.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$116,557 based on the weight and equity of the evidence presented by the parties. Based on the evidence, the appellants requested a reduction in the subject's assessed valuation.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$132,469 was disclosed. The board of review also submitted valuation evidence in support of the subject's assessed valuation. The board of review's evidence further revealed a 1.0332% equalization factor was applied to all non-farm parcels within Batavia Township.

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 a reduction in the assessment of the subject property is warranted.

The appellants argued the subject property was overvalued and inequitably assessed. However, the Property Tax Appeal Board finds the subject property was the matter of an appeal the prior assessment year under docket number 05-00798.001-R-1. In that

(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:	\$	26,775
IMPR.:	\$	93,651
TOTAL:	\$	120,426

Subject only to the State multiplier as applicable.

appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$116,557 based on the evidence submitted by the parties. The record also indicates the subject property is an owner occupied residential property. Section 16-185 of the Property Tax Code provides in part:

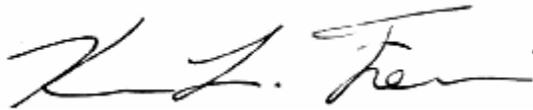
If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, **subject to equalization, shall remain in effect for the remainder of the general assessment period** (Emphasis Added) as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (35 ILCS 200/16-185).

Based on this statutory language, the Board finds its 2005 decision shall be carried forward to the subsequent assessment year plus annual application of an equalization factor, which was 1.0332% for Batavia Township. This finding is pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185). The record contains no evidence indicating the subject property sold in an arm's-length transaction subsequent to the Board's decision or that the assessment year in question is in a different general assessment period. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's finding plus the application of any factor applied for equalization.

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: October 10, 2008



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.