



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

APPELLANT: Bruce & Ursula Small
DOCKET NO.: 08-01450.001-R-1
PARCEL NO.: 09-33-429-001

The parties of record before the Property Tax Appeal Board are Bruce & Ursula Small, the appellants; and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds n 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: \$28,997
IMPR.: \$67,523
TOTAL: \$96,520

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a frame constructed split-level style dwelling containing 1,524 square feet of above grade living area that was built in 1971. Features include a 616 square foot finished lower level, central air conditioning, a fireplace, and a 616 square foot attached garage.

The appellant, Ursula Small, appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted Multiple Listing Sheets (MLS) and a grid analysis of three suggested comparable sales. Comparable 1 is located within the subject's subdivision while comparables 2 and 3 are located in a different subdivision two miles from the subject. The comparables were described as frame or cedar "raised ranch" dwellings that were built from 1973 to 1977. Features include central air conditioning, one fireplace and two-car garages. The dwellings were reported to a range in size from 1,248 to 1,604 square feet of living area. They sold from March to August of 2008 for prices ranging from \$225,500 to \$255,500 or from \$156.48 to \$204.73 per square foot of living area including land. Based on

this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's assessment of \$101,595 was disclosed. The subject's assessment reflects an estimated market value of \$305,365 or \$200.37 per square foot of living area including land using Kane County's 2008 three-year median level of assessments of 33.27%.

In support of the subject's assessed valuation, the board of review submitted a letter addressing the appeal, property record cards and a market analysis detailing six comparable sales, including the three comparable properties submitted by the appellants. The evidence was prepared by the township assessor, Colleen Lang, who was present and provided testimony at the hearing.

With regard to the comparables submitted by the appellants, the township assessor testified comparables 2 and 3 are located two miles in a different market subdivision than the subject. In addition, the township assessor submitted evidence indicating comparables 2 and 3 are assessed as two-story dwellings with living area over the garage. Finally, the assessor made description corrections to the comparables submitted by the appellant in terms of size and features.

The comparables submitted by the board of review consist of split-level style frame and brick dwellings that were built in 1972 or 1973. The dwellings contain 1,494 square feet of above grade living area. The dwellings have lower levels that contain 1,288 square feet of finished area. Other features include central air conditioning, one fireplace and garages that range in size from 440 to 760 square feet. The comparables sold from March 2006 to June 2008 for prices ranging from \$282,000 to \$311,000 or from \$188.76 to \$208.17 per square foot of above grade living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessed valuation.

After hearing the testimony 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's assessment is warranted.

The appellants argued the subject property is overvalued. 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.2d 1256 (2nd Dist. 2000). After an analysis of the evidence, the Board finds the record supports a reduction in the subject's assessment.

The parties submitted six suggested comparable sales to support their respective positions regarding the subject's correct assessment. The Property Tax Appeal Board gave less weight to

comparables 2 and 3 submitted by appellants. These properties are located 2 miles from the subject and are not considered similar in location. The Board also gave less weight to comparable 3 submitted by the board of review. This sale occurred in 2006 and is not considered indicative of the subject's market value as of the January 1, 2008 assessment date at issue under this appeal.

The Property Tax Appeal Board finds comparable 1 submitted by the appellants and comparables 1 and 2 submitted by the board of review are most representative of the subject in location, age, size, design and features. These properties sold from August 2007 to June 2008 for prices of ranging from \$255,500 to \$300,000 or \$188.76 to \$204.73 per square foot of above grade living area including land. The subject's assessment reflects an estimated market value of \$305,365 or \$200.37 per square foot of living area including land. The similar comparable submitted by the appellants has less above grade living area while the two similar comparables submitted by the board of review contain considerably more finished lower level area. After considering adjustments to the most similar comparables for any differences when compared to the subject, such as size and features, the Property Tax Appeal Board finds the subject's assessed valuation is excessive 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.

Ronald R. Guit

Chairman

Member

Mario M. Louie

Member

Member

William R. Loras

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: September 24, 2010

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.