



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

APPELLANT: James & Roselia Cannon
DOCKET NO.: 08-02310.001-R-1
PARCEL NO.: 15-30-426-010

The parties of record before the Property Tax Appeal Board are James & Roselia Cannon, the appellants, and the Kane County Board of Review.

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: \$ 19,095
IMPR.: \$ 43,799
TOTAL: \$ 62,894

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a single-family dwelling of frame construction. The dwelling has 1,600 square feet of living area and was built in 1960. The dwelling is split-level in design, and part of the home has a crawl-space foundation. The dwelling has central air conditioning and an attached one-car garage. The property has an 11,475 square foot parcel and is located in Aurora, Aurora Township, Kane County.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellants submitted four suggested comparable sales. Three of the comparables are located from 0.26 to 0.46 miles from the subject, and one is located 1.21 mile from the subject. The comparables are one-story frame or masonry dwellings that were built from 1957 to 1970. They contain from 1,376 to 2,036 square feet of living area. Each has central air conditioning, a fireplace, and a two-car garage. Three of the comparables do not have basements, and one has a partial unfinished basement. The comparables sold from March 2007 to December 2008 for prices that ranged from \$140,700 to \$195,000 or from \$69.11 to \$141.71 per square foot of living area, land included. The appellants also indicated that the subject property was listed for sale at a price of \$194,900 as of September 4, 2008. To verify this information, the appellants

provided a copy of the listing contract with their realtor. The appellants further stated that the asking price was lowered to \$184,000 in December 2008. Based on this evidence, the appellants requested that the subject's total assessment be reduced to \$59,667.¹

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$67,749 was disclosed. The subject's assessment reflects a market value of \$203,634 or \$127.27 per square foot of living area using the 2008 three-year average median level of assessments for Kane County of 33.27% as determined by the Illinois Department of Revenue.

The board of review presented no market value evidence. Instead, the board of review submitted an analysis of three equity comparables prepared by the township assessor. The comparable properties are improved with split-level frame single-family dwellings. The township assessor did not indicate the proximity of the comparables to the subject property. However, based on their parcel index numbers, one of the comparables is located in the same tax block as the subject, and the other two are located nearby. The dwellings were built in either 1963 or 1965. Each dwelling contains 1,824 square feet of living area with central air conditioning and an attached two-car garage. The township assessor did not disclose the comparables' lot sizes; however, each has the same land assessment as the subject. The comparables have improvement assessments that range from \$58,545 to \$59,163 or from \$32.10 to \$32.44 per square foot of living area. The subject has an improvement assessment of \$48,654 or \$30.41 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

¹ When the appellants completed the residential appeal form, they mistakenly requested that the subject's total assessment be reduced to \$179,000. Based on additional documentation, the appellants were apparently asking that the market value be reduced to \$179,000 and that total assessment should be reduced to 33.33% of the revised market value, or \$59,667.

The board of review submitted four equity comparables but did not address the appellants' overvaluation argument. The Board finds the appellants' asking price of \$194,900 as of September 3, 2008 is the best evidence of the subject's market value as of the January 1, 2008 assessment date. The subject's assessment of \$67,749 reflects a market value of \$203,634 and is in excess of the subject's asking price. The Board finds the subject's estimated market value as reflected by its assessment is not supported by the evidence in the record and a reduction is warranted. The Board finds the subject has a market value of \$194,900 as of January 1, 2008 and the 2008 three-year median level of assessments for Kane County of 33.27% as determined by the Illinois Department of Revenue shall apply.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: March 23, 2012

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.