



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

APPELLANT: Lawrence & Michele Mortimer
DOCKET NO.: 08-02394.001-R-1
PARCEL NO.: 09-05-302-003

The parties of record before the Property Tax Appeal Board are Lawrence & Michele Mortimer, the appellants; and the Kane County Board of Review.

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: \$54,995
IMPR.: \$194,581
TOTAL: \$249,576

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,095 square foot parcel improved with a two-story style brick and frame dwelling that was built in 2003 and contains 4,139 square feet of living area. Features of the home include central air-conditioning, two fireplaces, a three-car garage and a full unfinished basement. The subject is located in South Elgin, St. Charles Township, Kane County, Illinois

Appellant, Lawrence Mortimer, appeared on behalf of the appellants before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal.¹ In support of this argument, the appellants submitted an appraisal of the subject property with an effective date of January 1, 2008. The appraiser used the sales comparison approach in estimating a value for the subject of \$675,000. The appraisal was prepared by Joseph Vega, a licensed certified appraiser. Vega was present at the hearing to provide testimony regarding his final estimate of

¹ The appellants' inequity argument was withdrawn at hearing.

value of the subject and the methodologies used in his appraisal.

Vega examined four comparable properties, three were sales and one was a listing. The comparables are situated on lots ranging in size from 0.276 to 0.407-acres and are improved with two-story style frame and brick dwellings that were either 4 or 7 years old and range in size from 3,310 to 4,332 square feet of living area. Features of the comparables include central air-conditioning, at least one fireplace, three-car garages and full basements, one of which has some finished area. Three of the comparables sold from July to November 2007 for prices ranging from \$580,000 to \$676,000 or from \$175.23 to \$187.05 per square foot of living area, including land. The fourth comparable was listed for sale for \$675,000 or \$155.82 per square foot of living area, including land. Vega adjusted the comparables for differences when compared to the subject for such items as site size, age, living area, basement finish and assessor's quality grade. After making these adjustments, the comparables had adjusted sales/list prices ranging from \$612,437 to \$720,775 or from \$141.38 to \$199.44 per square foot of living area, including land. Based on this analysis, Vega concluded a value for the subject by the sales comparison approach of \$675,000. 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 total assessment of \$249,576 was disclosed. The subject has an estimated market value of \$750,153 or \$181.24 per square foot of living area, including land, as reflected by its assessment and Kane County's 2008 three-year average median level of assessments of 33.27%.

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of four sale comparables. The comparables consist of frame and brick or frame, brick and stone dwellings that were built between 2002 and 2004 and range in size from 3,764 to 4,036 square feet of living area. Features of the comparables include central air-conditioning, two or three fireplaces, three-car garages and full basements, three of which are finished and are described as a walkout basement. One is unfinished and an "English" style basement. The comparables sold between January 2005 and May 2008 for prices ranging from \$752,500 to \$860,000 or from \$192.11 to \$213.08 per square foot of living area, including land. Based on this evidence, the board of review requested the subject's total assessment be confirmed.

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 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. National City Bank of Michigan/Illinois v. Illinois Property Tax

Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellants have not met this burden.

The Board finds the appellants submitted an appraisal of the subject property in which the subject's market value was estimated to be \$675,000 as of January 1, 2008, which is the subject's assessment date. The Board finds the appraiser, Joseph Vega, provided no market support for the assessor's quality grade adjustment which would ultimately affected the estimate of value. The Board finds it problematic the appraiser did not use two very similar sales located on the same street as the subject and in the same immediate area of the subject in his analysis. Therefore, the estimate of value in the appraisal was given less weight. The board of review submitted four comparable sales, two of which were over 2.5 years from the assessment date in question. The board gave these 2005 sales no weight in its analysis. The Board finds the most similar comparables contained in this record were the board of review's comparables #1 and #2 which were located on the same street as the subject and in the Reserves of Thornwood, same as the subject. Both of these comparables sold close to the assessment date in question, January 1, 2008. The Board recognizes these two comparables are slightly inferior to the subject based on size and are also slightly superior to the subject based on basement style and land area. However, the Board finds these two comparables best represent the subject's market value on January 1, 2008. These two comparables sold for \$758,000 and \$790,000, respectively. The subject's assessment reflects a market value of \$750,153, which is in line with each of these two comparables after consideration of the differences between the comparables and the subject.

In conclusion, the Board finds the appellants have not demonstrated the subject property was overvalued by a preponderance of the evidence in this record. 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.

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: November 30, 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.