



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

APPELLANT: Alfred Klairmont
DOCKET NO.: 08-02715.001-C-3
PARCEL NO.: 12-17-425-003

The parties of record before the Property Tax Appeal Board are Alfred Klairmont, the appellant, by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago, 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: \$378,920
IMPR.: \$221,020
TOTAL: \$599,940

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story, masonry and concrete panel constructed restaurant that contains approximately 6,400 square feet of building area. The building is approximately 8 years old. The improvements are located on a 68,084 square foot site in Batavia, Geneva Township, Kane County.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$1,550,000 as of January 1, 2008. The appellant also submitted a copy of the board of review final decision wherein the subject's final assessment of \$1,001,902 was disclosed. The subject's assessment reflects a market value of approximately \$3,011,428 using the 2008 three-year median level of assessments for Kane County of 33.27%. The appellant also submitted a proposed stipulation wherein the appellant proposed an assessment reduction to \$599,940 which reflects the subsequent 2009 final assessment of the subject property. Based on this evidence the appellant

requested the subject's assessment be reduced to reflect the proposed stipulation.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property.

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 Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends 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). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant in this appeal submitted the only evidence of market value in the record. The appellant submitted an appraisal estimating the subject property had a market value of \$1,550,000 as of January 1, 2008. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by Section 1910.40(a) of the Official Rules of the Property Tax Appeal Board. The Board has examined the information submitted by the appellant along with the proposed stipulation submitted by the appellant and finds that the assessment proposed by the appellant is appropriate.

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

Acting 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: January 20, 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.