



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

APPELLANT: George Franko
DOCKET NO.: 09-02217.001-R-1
PARCEL NO.: 03-09-359-009

The parties of record before the Property Tax Appeal Board are George Franko, the appellant; 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: \$37,801
IMPR: \$95,589
TOTAL: \$133,390

Subject only to the State multiplier as applicable.

ANALYSIS

The subject consists of a 19,602 square foot parcel improved with a 2-story dwelling of frame construction. The dwelling contains 3,747 square feet of living area and was built in 2003. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 703 square foot garage¹. The dwelling is located in Carpentersville, Dundee Township, Kane County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation. The appellant submitted information on one comparable property despite the statement in the Section V grid on the appeal form to "provide at least three comparables". The home is described as a 2-story frame dwelling built in 2002. The parcel is located one block from the subject. The dwelling contains 3,747 square feet of living area. Features include a full unfinished basement, central air conditioning, a fireplace and a 703 square foot garage. The comparable has an improvement assessment of \$112,592 or \$30.05 per square foot of living area. The comparable has a lot size of 19,602 square feet

¹ The appellant claims the subject's garage and the comparable's garage contain either 611 or 619 square feet but provided no evidence to support the claim. The board of review claims both garages contain 703 square feet and submitted the property record cards as evidence to support their claim.

of land area with a land assessment of \$37,801 or \$1.93 per square foot of land area.

The appellant also disclosed that comparable #1 sold in August 2008 for \$403,000 or \$107.55 per square foot of living area including land. The subject has an improvement assessment of \$111,981 or \$29.89 per square foot of living area and a land assessment of \$37,801 or \$1.93 per square foot of land area. Based on this evidence, the appellant requested a reduction in the subject's land and improvement assessments.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$149,782 was disclosed. The subject's total assessment reflects an estimated market value of \$450,201 or \$120.15 per square foot of living area, land included, using the 2009 three-year median level of assessments for Kane County of 33.27% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review presented descriptions and information on nine comparable properties, three of which included both sales and assessment information and six equity only comparables. The appellant's comparable #1 and the board of review's comparable #1 are the same property. The comparables are situated on lots ranging in size from 14,810 to 23,087 square feet of land area. The comparables were built in either 2002 or 2003 and consist of 2-story frame dwellings. The dwellings range in size from 2,776 to 3,747 square feet of living area. Features include full basements, central air conditioning² and garages containing between 550 and 703 square feet. Seven comparables feature fireplaces. Three have unfinished basements, but no basement finish information was provided for the remaining six comparables. These properties have improvement assessments ranging from \$82,106 to \$114,639 or from \$29.17 to \$30.60 per square foot of living area. All nine have land assessments of \$37,801 which range from \$1.64 to \$2.55 per square foot of land area. Comparables #1, #2 and #3 sold from April 2007 through August 2008 for prices ranging from \$339,900 to \$403,000 or from \$107.55 to \$131.84 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant claims the board of review's comparables are extremely overpriced compared to what they could be sold for. The appellant stated his home was appraised for \$326,450 and his neighbor's home was appraised at \$320,000 but did not submit either appraisal report as evidence when the appeal was filed. The appellant argued his house had decreased in value more than \$4,000 in the current market.

² The board of review reports one dwelling does not have central air conditioning.

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 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 must be proven 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.

Regarding the overvaluation argument, the Board finds the appellant submitted only one comparable sale which occurred in August 2008 for \$403,000 or \$107.77 per square foot of living area including land. This is the same property as the board of review's comparable #1. The board of review submitted two additional sales comparables #2 and #3, but the subject dwelling is 35% larger than these two comparables. Therefore, little weight was given to these two comparables in the Board's analysis.

Ordinarily, one sale is insufficient to establish a market, and the appellant did not submit any information to prove this was an arm's length transaction. However, the comparable is nearly identical to the subject in size, style, exterior construction, age, and features, and it is within 1-2 blocks of the subject. Furthermore, both the appellant and the board of review submitted the same property as a comparable. Therefore, the Board finds the sale of the appellant's and the board of review's comparable #1 is a reasonable indicator of the value of the subject four months prior to its assessment date of January 1, 2009. For this reason, the Board finds the appellant has proven through a preponderance of the evidence that the subject is overvalued and a reduction is warranted.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

Regarding the improvement assessment inequity argument, both parties submitted nine different comparable properties with varying degrees of similarity to the subject. They have improvement assessments ranging from \$29.17 to \$30.60 per square

foot of living area. The subject's revised improvement assessment of \$25.51 per square foot of living area is below the range established by these comparables. Therefore, the Board finds no further reduction in the subject's improvement assessment is warranted.

With regard to the subject's land assessment, both parties submitted nine different comparable properties for consideration. They had land assessments ranging from \$1.64 to \$2.55 per square foot of land area. The subject's land assessment of \$1.93 per square foot of land area is within the range established by these comparables. Therefore, the Board finds the appellant has not proven through clear and convincing evidence that the subject's land assessment is inequitable. Therefore, no reduction in the land assessment 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.

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: April 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.