



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

APPELLANT: Jeffrey & Susan Humm
DOCKET NO.: 09-02496.001-R-1
PARCEL NO.: 11-06-477-001

The parties of record before the Property Tax Appeal Board are Jeffrey & Susan Humm, 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: \$23,000
IMPR.: \$73,333
TOTAL: \$96,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel contains 10,062 square feet of land area and is improved with a 2-story dwelling of frame construction. The dwelling contains 2,435 square feet of living area and is 15 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a 3-garage containing 704 square feet. The subject is located in Elburn, Blackberry Township, Kane County.

The appellants marked comparable sales as the basis of the appeal. The appellants submitted information on four comparable properties on lots ranging in size from 10,000 to 10,370 square feet of land area. The improvements are described as 2-story frame dwellings ranging in age from 11 to 18 years. The dwellings range in size from 2,084 to 2,812 square feet of living area. The comparables feature full unfinished basements, central air conditioning, and 2 or 3-car garages. Two comparables feature fireplaces.

The appellants disclosed the comparables sold between January 2007 and February 2009 for prices ranging from \$257,750 to \$311,000 or from \$91.66 to \$149.23 per square foot of living area including land. Based on this evidence, the appellants requested the subject's assessment be reduced to \$96,333.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$102,055 was disclosed. The subject's total assessment reflects an estimated market value of \$306,748 or \$125.97 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 assessment information on four comparable properties. The appellants' comparables #1 and #3 and the board of review's comparables #1 and #3 are the same properties. The comparables range in age from 11 to 20 years and consist of 2-story frame or frame and masonry dwellings. The dwellings range in size from 2,090 to 2,477 square feet of living area. Features include full or partial basements, one with finished area. Other features include central air conditioning and garages that contain between 400 and 756 square feet. Three of the comparables feature fireplaces. The four comparables sold between April 2006 and July 2008 for prices ranging from \$259,000 to \$304,000 or from \$116.67 to \$140.48 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 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 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 appellants' comparables #2 and #3 sold in January and June 2007 and the board of review's comparables #3 and #4 sold in June 2007 and April 2006. Due to the ages of the sales, these four comparables received less weight in the Board's analysis. The appellants' comparables #1 and #4 and the board of review's comparables #1 and #2 sold in July 2008 or February 2009 for prices ranging from \$257,750 to \$289,000 or from \$91.66 to \$133.49 per square foot of living area including land. The subject's assessment reflects a market value of \$306,748 or \$125.97 per square foot of living area including land.

However, the Board finds appellants' comparable #1 and the board of review's comparable #1, which are the same property, most similar to the subject in location, age, size, style, exterior construction, features and age. This property sold within 6 months of the subject's assessment date of January 1, 2009 for a price of \$289,000 or \$116.67 per square foot of living area including land. The Board finds this comparable is the best evidence in the record of the subject's value. The appellant's assessment request of \$96,333 reflects an estimated market value of \$289,549 which is consistent with the sale price of comparable #1. Therefore, the Board finds the appellants have proven by a preponderance of the evidence that the subject is overvalued and a reduction in the subject's 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.