



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

APPELLANT: James F. Mack
DOCKET NO.: 09-03013.001-R-1
PARCEL NO.: 03-18-121-029

The parties of record before the Property Tax Appeal Board are James F. Mack, the appellant; and the Kendall 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 Kendall County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$24,559
IMPR.: \$73,128
TOTAL: \$97,687

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of frame exterior construction that contains 2,435 square feet of living area and was built in 2001. Features of the home include central air conditioning, one fireplace, a full unfinished basement, a 256 square foot enclosed frame porch and a 525 square foot attached garage. The subject has an 11,500 square foot site and is located in Oswego, Oswego Township, Kendall County.

James Mack appeared before the Property Tax Appeal Board contending assessment inequity and overvaluation as the bases of the appeal. The subject's land assessment was not contested. In support of these arguments, the appellant submitted a letter sent to the appellant from Chase Bank addressing a Home Equity Line of Credit stating, "With home values falling in many parts of the country, we've used a proven valuation method to estimate your home's value at \$244,000." Also submitted were photographs and a grid analysis of the subject and five suggested comparables which were located in the same subdivision as the subject property. The comparables are improved with two-story single family

dwelling of frame or brick and frame exterior construction built from 2000 to 2002. Features include central air conditioning, partial or full unfinished basements and attached garages that range in size from 441 to 525 square feet of building area. Two of the comparables have one fireplace. The comparables are situated on lots that range in size from 9,100 to 13,125 square feet of land area. The dwellings range in size from 2,423 to 2,746 square feet of living area and have improvement assessments ranging from \$66,343 to \$70,458 or from \$25.66 to \$28.34 per square foot of living area.

The comparables also sold from June 2000 to May 2006 for prices ranging from \$207,258 to \$328,500 or from \$85.54 to \$119.63 per square foot living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$97,687 was disclosed. The subject's assessment reflects a market value of \$292,389 or \$120.08 per square foot of living area, including land, when using the 2009 three year average median level of assessments for Kendall County of 33.41%. The subject has an improvement assessment of \$73,128 or \$30.03 per square foot of living area.

The board of review submitted a letter addressing the appeal. In support of the subject's assessment, the board of review submitted a location map, property record cards with photographs and a grid analysis containing three suggested comparables.

Appearing for the board of review was Assistant State's Attorney, David Berault and the Clerk of the Board of Review, Andy Nicolette. Berault called as his witness Nicolette. Nicolette testified that the comparables are located in the same subdivision as the subject property. The comparables were improved with two-story single family dwellings that ranged in size from 2,287 to 2,829 square feet of living area. The comparables were of frame or brick and frame construction that were constructed in 2001 or 2002. Features include central air conditioning, partial or full unfinished basements and attached garages ranging from 641 to 695 square feet of building area. Two comparables have one fireplace. The comparables are situated on lots that range in size from 11,307 to 13,125 square feet of land area. The comparables have improvement assessments ranging from \$66,399 to \$83,086 or \$29.03 and \$29.37 per square foot of living area. The subject's property has an improvement assessment of \$73,128 or \$30.03 per square foot of living area.

The comparables sold from February 2008 to June 2008 for prices ranging from \$282,000 to \$318,000 or from \$106.98 to \$123.31 per square foot living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, Mack argued that his "enclosed porch" was actually part of the deck that had been "screened in" to provide protection from insects. The porch does not have heat, air conditioning or windows.

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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant argued in part the subject property was not uniformly assessed. The Illinois Supreme Court has held that 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The Board finds the appellant has not met this burden of proof.

With respect to the subject's improvement assessment, the record contains eight suggested assessment comparables submitted by both parties for the Board's consideration. The Board finds these comparables are similar to the subject in location, design, age and most features but five comparables have partial unfinished basements, unlike the subject's full unfinished basement. Additionally, none of the comparables has an enclosed frame porch, unlike the subject. The comparables have improvement assessments ranging from \$66,343 to \$83,086 or from \$25.66 to \$29.37 per square foot of living area. The subject property has an improvement assessment of \$73,128 or \$30.03 per square foot of living area, which falls slightly above the range of the comparables in the record on a square foot basis

The Board finds the subject's slightly higher assessment per square foot is justified based on superior amenities such as an enclosed frame porch and a full unfinished basement. Therefore, no reduction in the subject's improvement assessment is warranted on this basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence

that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds a reduction in the subject's assessment based on assessment inequity is not justified.

The appellant also contends overvaluation as an alternative basis of the appeal. 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, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted based on overvaluation.

The Board finds this record contains a statement of value for the subject property from Chase Bank for \$244,000 based on a home equity line of credit. The Board gives this evidence from Chase Bank no weight. First, the report did not have a definition of market value that was used in the report. Second, there was no information with respect to the credentials or qualifications of the person or persons providing the estimate of value. Third, there was no data such as a description of the comparable sales and the sale dates that were used to establish the estimated value. Without this information the Property Tax Appeal Board cannot determine the reliability and validity of the estimate of value prepared by Chase Bank.

The Board finds the record has eight comparable sales submitted by both parties in support of their respective positions. The Board gave no weight to comparables #1, #3, #4 and #5 submitted by the appellant. These sales occurred from June 2000 to July 2003, which are not reliable indicators of market value as of the subject's January 1, 2009 assessment date. The Board gave less weight to comparable #2 submitted by the appellant. This sale occurred in May 2006, which is less indicative of fair market value as of the subject's January 1, 2009 assessment date. The remaining comparables submitted by the board of review are similar to the subject in design, age and most features, but one of the three comparables has a partial unfinished basement unlike the subject. The comparables sold from February 2008 to June 2008 for sale prices from \$282,000 to \$318,000 or from \$106.98 to \$123.31 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$292,389 or \$120.08 per square foot of living area including land, which is within the range established by the most similar comparable sales in the record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction is warranted.

At the hearing the appellant argued that his "enclosed porch" is actually a "screened in porch." The Board finds that there was

no evidence submitted to support the claim that there is a monetary difference between an "enclosed porch" verses a "screened in porch."

In conclusion, based on this analysis, the Property Tax Appeal Board finds the appellant has not demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence or overvaluation by a preponderance of the evidence. Therefore, the Board finds the subject's assessment as established by the board of review is correct and no reduction 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

[Signature]

Member

[Signature]

Member

[Signature]

Member

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 22, 2013

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.