



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

APPELLANT: William Billings
DOCKET NO.: 09-03045.001-R-1
PARCEL NO.: 12-05-352-002

The parties of record before the Property Tax Appeal Board are William Billings, 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: \$38,754
IMPR: \$103,420
TOTAL: \$142,174**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 13,116 square foot lot improved with a 2-story dwelling of frame and Dryvit construction. The dwelling contains 3,123 square feet of living area and was built in 1995. Features of the home include a partial basement with finished area, 1 fireplace, central air conditioning and a 3-car garage. The dwelling is located in Geneva, Geneva Township, Kane County.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. The appellant submitted an appraisal report prepared by Stephen Schmidt of InSite Appraisal Services in which a market value of \$380,000 or \$121.68 per square foot of living area including land was estimated for the subject property as of April 17, 2009. The appraiser developed both the sales comparison approach and the cost approach in estimating the fair market value of the subject property.

In the sales comparison approach, the appraiser considered five comparable properties - three sales and two listings. The comparables were located between 0.02 miles and 0.44 miles from the subject. The lots range in size from 13,122 to 15,548 square feet of land area. All of the comparables are 2-story dwellings of frame and masonry construction. They range in size from 2,676

to 3,504 square feet of living area¹ and are between 9 and 15 years old. The comparables feature full or partial basements, four with finished area. Other features include central air conditioning, fireplaces and 3-car garages. Comparables #1, #2, #3 were sales that closed between September of 2008 and March of 2009 for prices ranging from \$381,000 to \$479,500², or from \$128.59 to \$147.26 per square foot of living area including land. Comparables #4 and #5 were not sales but listings that had been on the market 326 days and 90 days respectively. These comparables had listing prices of \$403,000 and \$429,000 or \$150.60 and \$126.77 per square foot of living area including land.

The appraiser adjusted the five comparables for being a listing instead of a sale, date of sale, view, quality of construction, condition, room count, gross living area, basement finish, gazebo, irrigation system and jetted tub. The appraiser adjusted the sale dates by 1% per month. The final adjusted prices range from \$381,000 to \$415,500³ or from \$113.48 to \$143.12 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$380,000 or \$121.68 per square foot of living area including land as of April 17, 2009.

The appraiser stated in the appraisal that there were only three active listings in the subject's subdivision. Two of these had been on the market for 394 and 324 days for prices of \$527,000 and \$579,000 respectively. The appraiser did not use these comparables due to their time on the market.

In the cost approach the appraiser estimated the value of the subject to be \$394,700 or \$126.38 per square foot of living area including land. In the reconciliation, the appraiser gave greatest weight to the sales comparison approach since market actions of buyers and sellers are best represented by the sales comparison approach.

Based on this evidence, the appellant requested that the subject's assessment be reduced to \$126,667.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$154,600 was disclosed. The subject's assessment reflects an estimated market value of \$464,683 or \$148.79 per square foot of living area, land

¹ The appellant's appraiser claims comparable #3 contains 3,192 square foot of living area but submitted no evidence to support that claim. The board of review claims comparable #3 contains 3,504 square foot of living area and submitted the property record card to support the claim.

² The appraiser claims comparable #3 sold twice in 2008. One sale was a market transaction for \$443,250. The second sale was a relocation settlement for \$479,500 which the appraiser did not count. The appraiser submitted no evidence to support this claim. The board of review submitted the property record card for appellant's comparable #3 which confirmed the two sales. However, the relocation settlement was the \$443,250 sale in December 2008 and the market transaction was the \$479,500 sale in October 2008.

³ Adjustments were applied to the sale price of \$479,500 for comparable #3.

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 assessed value, the board of review submitted property record cards and grids for both the board of review's and the appellant's comparables. The board of review's comparable #1 is the same property as the appraiser's comparable #3. The board of review's dwellings were built from 1993 to 1996 and range in size from 3,054 to 3,504 square feet of living area. The lots range in size from 14,133 to 16,756 square feet of land area. All of these comparables are 2-story homes of frame or frame and masonry construction. All comparables feature full or partial unfinished basements, central air conditioning, fireplaces and 3-car garages. These comparables sold between July 2007 and October 2008 for prices ranging from \$479,500 to \$547,500 or from \$136.84 to \$164.71 per square foot of living area including land.

The board of review cites several concerns about the appellant's appraisal. The appraiser adjusted the comparables by 1% per month from the date of contingency to the date of the appraisal which the board of review feels is "sizeable". The board of review also points out that comparable #5 is not in the subject's neighborhood. The board of review submitted a grid analysis of both the board of review's and the appraiser's raw sales.

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 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.

Initially, the Board finds the correct sale price of appellant's comparable #3 (also board of review's comparable #1) was \$479,500 on October 23, 2008, two months prior to the subject's valuation date of January 1, 2009. The Board also finds the correct size of comparable #3 is 3,504 square foot of living area.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$380,000 as of April 17, 2009, four months after the subject's valuation date of January 1, 2009. Since the purpose of this appraisal was for a mortgage and not for assessment purposes, the appraiser did not adjust the subject's value to the valuation date of January 1, 2009. Since the appraiser used an adjustment of 1% per month for the comparables sale dates, the same adjustment must be made to the final value conclusion of the subject.

The Board finds the appraiser's omission of two listings for \$527,000 and \$579,000 from the appraisal further undermines his value conclusion. The appraiser stated they "...appear to be priced unreasonably high ... (having) been on the market 394 and 324 days respectively." However, the appraiser did include an unsold listing, priced \$175,000 less, which had been on the market 326 days. Including these two comparables would most likely have affected the final value conclusion.

Therefore, the Board finds the appellant's appraisal report is not credible and does not support the value of \$380,000 or \$121.67 per square foot of living area including land.

Comparables #4 and #5 submitted by the appellant's appraiser were listings and not sales. The board of review's comparables #2 and #3 sold approximately 18 months prior to the subject's valuation date. Therefore these four comparables received less weight in the Board's analysis. Although appellant's comparable #3 (which is the same property as the board of review's comparable #1) is 12% larger than the subject, the Board finds this comparable is most similar to the subject in location, age, style, exterior construction and features. It is located on the same street within the same block as the subject and sold two months prior to the subject's valuation date for \$479,500 or \$136.84 per square foot of living area including land. This sale price is supported by the appellant's comparables #1 and #2 which sold within three months of the subject's valuation date for \$128.59 and \$147.26 per square foot of living area including land.

The subject's estimated market value based on its assessment is \$464,683 or \$148.79 per square foot of living area, land included, which is greater than these comparables. Therefore, the Board finds 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.