



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

APPELLANT: John McKay
DOCKET NO.: 09-03161.001-R-1
PARCEL NO.: 12-05-174-005-0000

The parties of record before the Property Tax Appeal Board are John McKay, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$38,508
IMPR: \$308,843
TOTAL: \$347,351**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 29,099 square feet of land area improved with a 2-story dwelling of frame construction with stone and stucco. The dwelling contains approximately 4,900 square feet of living area¹ and was built in 2005. Features of the home include a full unfinished "English-style" basement, 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 Mary Connolly of Connolly Appraisal Services in which a market value of \$850,000 or \$173.47 per square foot of living area including land was estimated for the subject property as of October 5, 2009. The appraiser developed both the sales comparison approach and the cost approach in estimating the fair market value of the subject property.

¹ The appellant's appraiser claims the subject dwelling contains 4,928 square foot of living area and submitted a schematic drawing to support the claim. The board of review claims the subject dwelling contains 4,889 square foot of living area and submitted the property record card to support the claim.

In the sales comparison approach, the appraiser considered five comparable properties located between 1.85 miles and 4.03 miles from the subject. The land size ranges from 13,068 to 56,398 square feet of land area. All of the comparables are 2-story dwellings of frame, masonry, or frame and masonry construction. They range in size from 4,087 to 5,197 square feet of living area and were built between 1999 and 2006. The comparables feature full basements, four with finished area. Two of the basements are "English-style" and one is a walk-out. Other features include central air conditioning, 2 fireplaces and 3-car garages. The comparables sold from November 2007 to December 2008 for prices ranging from \$617,000 to \$1,100,000, or from \$140.47 to \$217.26 per square foot of living area including land.

The appraiser adjusted the five comparables for land size, view, quality of construction, room count, gross living area, basement type and finish, patios, decks, fireplaces and pools. The appraiser also adjusted the comparables for sale dates by 0.75% to 4.5%. The final adjusted prices ranged from \$672,370 to \$986,500 or from \$133.17 to \$194.84 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$850,000 or \$173.47 per square foot of living area including land as of October 5, 2009, ten months after the subject's valuation date of January 1, 2009.

The appraiser states in the appraisal that comparables #4 and #5 were in St. Charles due to lack of comparables with pools in Geneva. The appraiser states comparable #4 was adjusted to reflect its larger site and all brick exterior. Comparable #3 was adjusted to reflect the subject's superior site.

In the cost approach the appraiser estimated the value of the subject to be \$898,800 or \$183.43 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 \$283,305 which reflects an estimated market value of \$851,533 or \$173.78 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.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$347,351 was disclosed. The subject's assessment reflects an estimated market value of \$1,044,037 or \$213.07 per square foot of living area, land included.

In support of the subject's assessment, the board of review presented descriptions, property record cards and sales information on three comparable properties. The board of review's

dwellings were built in 2004 or 2006 and range in size from 3,433 to 5,205 square feet of living area. The land size ranges from 16,500 to 20,450 square feet of land area and are all in Geneva Township. All of these comparables are 2-story homes of frame or frame and masonry construction. All comparables feature full unfinished basements, central air conditioning, one to three fireplaces and 3-car garages. These comparables sold between July 2006 and September 2008 for prices ranging from \$1,160,000 to \$1,325,000 or from \$251.68 to \$337.90 per square foot of living area including land.

The board of review cites several concerns about the appellant's appraisal. The subject is listed in the appraisal with a sale price of \$330,671 when in reality it sold in 2005 for \$1,070,500. The board of review points out that only comparable #1 is located in Geneva Township with the other four being located in Blackberry or Campton Townships. Furthermore, comparable #1 sold twice, both in September 2008, for \$825,000 and \$730,000. The board of review claims one of the sales is a relocation sale, and that the appraiser used the second (lower priced) sale in the appraisal.

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 does not support 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 not warranted.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$850,000 as of October 5, 2009, ten months after the subject's valuation date of January 1, 2009. The cover letter from the appellant's attorney incorrectly states that the value conclusion was as of January 1, 2009. The appraiser states on page 1 of the appraisal that the purpose of the appraisal was for a real estate tax appeal to establish market value for the end of 2008. However, the appraiser did not adjust the value conclusion for the ten months difference between the valuation date and the appraisal date.

The appraiser did adjust the comparables for the time elapsed between their sale dates and the appraisal date. However, the Board finds these adjustments are inconsistent. Fourteen months elapsed between the sale date and the appraisal date of comparable #1, and the appraiser adjusted the sale price by 3%. Twenty-four months had elapsed for comparable #5 but the adjustment was only 0.75%. Comparable #3 was adjusted 3.75% for 15 months difference, and so on.

The comparables land sizes ranged from less than half the size of the subject to nearly double the size of the subject. However, the appraiser only adjusted comparable #4 which had a larger site. Comparables #1, #2, #3 and #5, which featured smaller sites than the subject, were not adjusted. Furthermore, in the cost approach, the appraiser estimated the land value of the subject to be \$9.28 per square foot of land area, but used \$.73 per square foot when adjusting for land size.

The appraiser only adjusted comparable #4 for having two fireplaces when in fact all of the comparables featured two fireplaces.

The appraiser offered no explanation for these inconsistencies. Lacking an explanation from the appraiser, the Board will examine the raw sales in its analysis. In light of the foregoing analysis, the Board finds the appellant's appraisal report is not credible and does not support the value conclusion of \$850,000.

Examining the eight sales in the record, the appellant's comparable #5 and the board of review's comparable #2 differed significantly from the subject in size. The appellant's comparable #5 and the board of review's comparables #1 and #2 had sale dates more than a year old. Therefore these comparables received less weight in the Board's analysis. The Board finds appellant's comparables #1, #2, #3 and #4 and the board of review's comparable #3 were similar to the subject in location, style, and exterior construction and had recently sold. These comparables sold between July 2008 and December 2008 for prices ranging from \$730,000 to \$1,310,000 or from \$140.47 to \$251.68 per square foot of living area including land. The subject's estimated market value of \$1,044,037 or \$213.07 per square foot of living area including land is within this range. The Board further finds that the board of review's comparable #3, which sold four months prior to the subject's valuation date for \$1,310,000 or \$251.68 per square foot of living area including land is most similar to the subject in location (Geneva Township), exterior construction and features and therefore supports the subject's assessed value. The Board finds the appellant has failed to prove by a preponderance of the evidence that the subject property is overvalued. Therefore no 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.