



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

APPELLANT: Samuel Joy
DOCKET NO.: 09-03449.001-R-1
PARCEL NO.: 04-26-100-012

The parties of record before the Property Tax Appeal Board are Samuel Joy, 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: \$61,893
IMPR: \$48,107
TOTAL: \$110,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a raised ranch dwelling of frame construction containing 1,850 square feet of above grade living area. The dwelling is 32 years old. Features of the home include a basement, central air conditioning, a fireplace, three baths, and a two-car garage. The property is also listed on assessment records as having a 30' by 42' one side open pole building.

The appellant's appeal is based on overvaluation. In support of the market value argument, the appellant submitted sales information on three comparable properties described as multi-story frame dwellings that range in age from 22 to 31 years old. Two of the dwellings were listed as two-story styles houses and the third is architecturally called a "split-level". The comparables range in size from 1,921 to 2,428 square feet of living area. Features include central air conditioning, 2.5 to 3 baths, basements, and garages. Only comparable #2 had a fireplace like the subject. The properties sold from September 2009 to December 2009 for prices ranging from \$315,000 to \$370,000 or from \$129.74 to \$180.49 per square foot of living area, including land. The appellant adjusted the comparables for differences when compared to the subject in age, bedrooms, land area, baths, basements, square footage, and garages. The resulting adjusted sales prices ranged from \$277,539 to \$337,789 or \$150.02 to \$182.59 per square foot of living area, including land. Based on

the adjusted sales prices, the appellant estimated the subject property had an adjusted price based on the comparables of \$316,779. 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 the subject's final assessment of \$124,187 was disclosed. The total assessment reflects an estimated market value of \$372,822 or \$201.53 per square foot of living area, including land using Kane County's 2009 three-year median level of assessments of 33.31%.

In support of the assessment the board of review presented descriptions and assessment information on three comparable properties consisting of split-level or raised ranch style frame and masonry dwellings that range in age from 30 to 39 years old. The dwellings range in size from 2,552 to 2,910 square feet of total living area. Features include two car garages. One of the comparables has central air conditioning and two dwellings have fireplaces. One comparable has a stable outbuilding. The three properties have improvement assessments ranging from \$22.85 to \$24.94 per square foot of living area. The subject's improvement assessment reflects \$21.39 per square foot of total living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Only one of the boards comparables had sales data provided. Comparable #2 is a raised ranch containing a total of 2,592 square feet of living area. It was built in 1979 and sold in October 2005 for \$440,000 or \$169.75 per square foot of living area.

After submission of evidence and for rebuttal, the appellant submitted a new appraisal that was produced by a state certified residential appraiser. The Property Tax Appeal Board finds it cannot consider this evidence. Section 1910.66(c) of the Official Rules of the Property Tax Appeal Board states;

Rebuttal evidence shall not consist of **new evidence such as an appraisal** [emphasis added] or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. (86 Ill.Adm.Code §1910.66(c)).

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 Board further finds a reduction in the subject's assessment is warranted.

The appellant contends overvaluation as the 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.App3d 1038 (3rd Dist.2002). After an analysis of the assessment data, the Board finds the appellant has met this burden.

The Property Tax Appeal Board finds the comparable sales contained in the record sold for prices ranging from \$315,000 to \$440,000. The Board finds little weight should be given the one board of review sale. This property sold in October 2005, nearly three and one-half years prior to the assessment date. The Board finds the sale date to be too far removed from the date of assessment to give an accurate estimation of the subject's market value as of January 1, 2009.

The properties most similar to the subject were appellant's comparables #2 and comparable #3. Both properties were located within .6 miles from the subject, contained the same amount of land, had similar square footages, had 2 or 2.5 car garages similar to the subject's two car garage, had central air conditioning, and comparable #2 had a fireplace. These two comparables sold in September and December 2009 for prices of \$166.58 and \$180.49 per square foot of living area. After considering adjustments to the comparables for differences when compared to the subject, the Board has concluded the subject's current assessment which reflects a market value of \$201.53 per square foot of living area, including land is overvalued and a reduction in the subject's assessment warranted.

Based on this analysis, the Property Tax Appeal Board finds the evidence contained in the record demonstrates the subject property is overvalued and a 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

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: October 19, 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.