



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

APPELLANT: Robert Grant
DOCKET NO.: 09-03699.001-R-1
PARCEL NO.: 12-05-302-002

The parties of record before the Property Tax Appeal Board are Robert Grant, 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: \$102,814
TOTAL: \$141,568**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of brick and frame construction that contains 2,985 square feet of living area. The dwelling was constructed in 1995. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a three-car attached garage. The subject has a 14,134 square foot site and is located in Geneva, Geneva Township, Kane County.

The appellant and his wife, Janis Grant, appeared before the Property Tax Appeal Board contending both overvaluation and assessment inequity as the bases of the appeal. In support of this argument the appellant provided photographs, descriptions and assessment information on four comparables located within the same subdivision as the subject property. The comparables were improved with two-story single family dwellings that ranged in size from 2,676 to 3,504 square feet of living area.¹ The dwellings were of frame and brick construction and ranged in age from 15 to 17 years old. Each dwelling had a basement that was partially finished, central air conditioning, one fireplace and a

¹ The appellant indicated his comparable #4 had 3,192 square feet of living area; however, the information from the assessor's website submitted by the appellant and the property record card for this property submitted by the board of review both indicated this property had 3,504 square feet of living area.

three-car attached garage. These properties had sites ranging in size from 13,122 to 15,548 square feet of land area. The comparables sold from December 2008 to July 2009 for prices ranging from \$381,000 to \$443,250 or from \$126.50 to \$147.26 per square foot of living area, including land.

These same comparables had improvement assessments ranging from \$104,565 to \$138,196 or from \$39.08 to \$44.50 per square foot of living area. The subject has an improvement assessment of \$121,230 or \$40.61 per square foot of living area.

During the hearing the appellant indicated the primary argument was based on overvaluation.

Based on this evidence the appellant requested the subject's assessment be reduced to \$123,208.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$159,984 was disclosed. The subject's assessment reflects a market value of \$480,288 or \$160.90 per square foot of living area, including land, when using the 2009 three year average median level of assessments for Kane County of 33.31%.

In support of the assessment the board of review submitted a grid analysis of the appellant's comparables and four additional comparables identified by the Geneva Township Assessor's Office. The four additional comparables provided by the board of review were improved with two-story dwellings of frame or brick and frame construction that ranged in size from 2,591 to 3,324 square feet of living area. The dwellings ranged in age from 11 to 14 years old. Each comparable has a full or partial unfinished basement, central air conditioning, one fireplace and a two or three-car attached garage. Each comparable was located in the subject's subdivision. These properties sold from August 2007 to October 2008 for prices ranging \$438,000 to \$547,000 or from \$143.42 to \$175.61 per square foot of living area, including land. These same comparables had total assessments that ranged from \$159,984 to \$166,183 and improvement assessments that ranged from \$118,030 to \$127,429 or from \$38.34 to \$45.55 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 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 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the record contains eight sales submitted by the parties in support of their respective positions. The Board finds the comparables most similar to the subject that sold most proximate in time to the assessment date at issue included appellant's comparables #1 and #2 and board of review comparable sale #4. These comparables were improved with two-story dwellings that ranged in size from 2,920 to 3,054 square feet of living area. The comparables were similar to the subject in location, age, construction and features. These properties sold from March 2008 to March 2009 for prices ranging from \$381,000 to \$438,000 or from \$128.59 to \$147.26 per square foot of living area including land. Appellant's comparable #2 sold most proximate in time to the assessment date at issue on January 27, 2009 for a price of \$430,000 or \$147.26 per square foot of living area, including land. The subject's assessment reflects a market value of \$480,288 or \$160.90 per square foot of living area, including land, when using the statutory level of assessments of 33.33% is applied, which is above the range established by the best sales in the record. Based on this record the Board finds the subject property had a market value of \$425,000 as of January 1, 2009, and a reduction in the assessment is warranted.

Based on the reduction granted to the subject's assessment based on the market value finding herein, the Board finds a further reduction based on assessment inequity is not justified.

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: May 18, 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.