



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

APPELLANT: Dawn Bolda  
DOCKET NO.: 09-03711.001-R-1  
PARCEL NO.: 03-10-460-002

The parties of record before the Property Tax Appeal Board are Dawn Bolda, the appellant, by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman in Chicago; 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:** \$24,821  
**IMPR:** \$82,832  
**TOTAL:** \$107,653

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property contains 7,130 square feet of land area improved with a 2-story dwelling of brick and frame construction. The dwelling contains approximately 3,182 square feet of living area<sup>1</sup> and is 5 years old. Features of the home include a full unfinished basement, central air conditioning and a garage that contains approximately 639 square feet. The dwelling is located in Oswego, Oswego Township, Kendall 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 Kurt Schmidt of Mountain Residential Appraisal in which a market value of \$287,000 or \$90.19 per square foot of living area including land was estimated for the subject property as of January 1, 2009. The appraiser developed both the sales comparison approach and the cost approach in estimating the fair market value of the subject property.

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<sup>1</sup> The board of review claims the dwelling contains 3,162 square feet of living area and submitted a property record card with a schematic diagram with (illegible) dimensions to support their claim. The appellant claims the subject contains 3,182 square feet of living area and submitted a detailed schematic diagram with dimensions to support the claim.

In the sales comparison approach, the appraiser considered three comparable properties. The comparables are located 0.2 of a mile from the subject. The lots range in size from 10,050 to 11,288 square feet of land area. All of the comparables are 2-story dwellings of frame or brick and frame construction. They range in size from 3,213 to 3,689 square feet of living area and are between 1 and 5 years old. The comparables feature full or partial unfinished basements, one with walk-out. Other features include central air conditioning and 2-car garages. Two comparables feature fireplaces. These sales occurred between October 2008 and February 2009 for prices ranging from \$287,000 to \$300,000, or from \$78.61 to \$89.32 per square foot of living area including land.

The appraiser adjusted the three comparables for differences to the subject for site, quality, gross living area, functional utility, basement size and finish, porch/deck/patios and fireplaces. The final adjusted sale prices range from \$267,000 to \$288,500 or from \$72.38 to \$89.01 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$287,000 or \$90.19 per square foot of living area including land as of January 1, 2009, using the sales comparable approach.

In the cost approach the appraiser estimated the value of the lot to be \$75,000 and the value of the improvement, after depreciation, to be \$250,147 or \$78.61 per square foot of living area for a total valuation of \$325,147 or \$102.18 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 \$95,666 which would reflect a market value of approximately \$287,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$107,653 was disclosed. The subject's assessment reflects an estimated market value of \$322,218 or \$101.26 per square foot of living area, land included, using the 2009 three-year median level of assessments for Kendall County of 33.41% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code Sec 1910.50(c)(1)).

In support of the subject's assessed value, the board of review submitted a grid analysis of four comparable properties. The board of review's comparables have land sizes that range from 7,130 to 10,369 square feet of land area. The dwellings are 4 or 5 years old and range in size from 3,137 to 3,689 square feet of living area. All of the comparables are 2-story dwellings of frame or brick and frame construction. All comparables feature full unfinished basements, central air conditioning, fireplaces and garages that contain between 554 and 679 square feet. These

comparables sold between May 2008 and February 2009 for prices ranging from \$330,000 to \$385,000 or from \$90.81 to \$115.37 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant states the board of review's comparable properties are raw data without adjustments and should be given no weight by the Property Tax Appeal Board.

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 (3<sup>rd</sup> 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.

Initially, the Board finds the correct size of the subject dwelling to be 3,182 square feet of living area. Both parties submitted similar schematic diagrams with dimensions, and both sizes were within 20 square feet of each other, presumably attributable to rounding errors.

The appellant submitted an appraisal of the subject property with a final value conclusion of \$287,000 as of the subject's valuation date of January 1, 2009. Comparables #2 and #3 in the appraisal report were significantly larger than the subject. The appraiser states in the cost approach that the depreciated value of the improvement is \$78.61 per square foot of living area, however the appraiser only adjusted the comparables by \$30 per square foot of living area. No explanation was given for this inconsistency. Therefore, less weight was given to the appraisal value conclusion.

The board of review submitted four comparable properties in the same subdivision as the subject. Comparable #3 was significantly larger than the subject and therefore received less weight in the Board's analysis. Although the remaining comparables were raw sales and were not adjusted, comparables #1, #2 and #4 were similar to the subject in size, style, exterior construction, features and age. These comparables sold from May 2008 to January 2009 for prices ranging from \$330,000 to \$385,000 or from \$104.45 to \$115.37 per square foot of living area. Comparable #1 was most similar to the subject of all of the comparables submitted by

both parties in size, style, lot size, age, features and exterior construction. This comparable sold within a month of the subject's valuation date of January 1, 2009 for \$336,000 or \$104.45 per square foot of living area. The subject's assessment reflects an estimated market value of \$322,218 or \$101.26 per square foot of living area, land included, which is less than this most similar comparable.

After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the appellant has failed to prove by a preponderance of the evidence that the subject property is overvalued and a reduction in the subject's assessment is not 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: 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.