FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: John K. Holden
DOCKET NO.: 09-03950.001-R-1
PARCEL NO.: 05-04-408-002

The parties of record before the Property Tax Appeal Board are John K. Holden, the appellant; and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$17,547
IMPR.:	$35,909
TOTAL:	$53,456

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 exterior construction that contains 3,183 square feet of living area and is 4 years old. Features of the home include central air conditioning, two and one-half baths, a fireplace, a two-car garage and a 783 square foot unfinished basement. The dwelling is situated on 12,810 square feet of land area. The subject property is located in Raintree Village Subdivision, Yorkville, Kendall Township, Kendall County.

John Holden appeared before the Property Tax Appeal Board contending overvaluation, assessment equity for land and building and contention of law as the bases of the appeal. In support of the overvaluation argument the appellant submitted a settlement statement revealing the subject property was purchased for $160,000 in July 2009. The appeal petition indicates that the parties to the transaction were not related and the subject property was advertised for sale in the open market through a multiple listing service. The number of days on the market was not disclosed. The appellant also submitted an appraisal report estimating a fair market value for the subject property of

$170,000 as of June 10, 2009. The purpose of the appraisal was for a "purchase transaction." The appellant's appraiser was not present at the hearing to provided direct testimony or be cross-examined regarding the appraisal methodology and final value conclusion. Using the sales comparison approach to value, the appraiser estimated the subject property had a market value of $170,000 as of June 10, 2009.

Under the sales comparison approach the appraiser utilized four comparable sales, one sale listing and one pending sale located in Yorkville, approximately .05 of a mile to .82 miles from the subject property. The comparables were described as being improved with two-story single family dwellings that ranged in size from 2,500 to 3,800 square feet of living area. The dwellings were from 3 to 6 years old. Each comparable had central air conditioning, one fireplace and a two or three-car garage. Three comparables have partial unfinished basements. Three comparables have full basements with one being a finished walk-out. Comparables #1 through #3 and #6 sold in April or May 2009 for prices ranging from $188,000 to $215,000 or from $49.47 to $82.71 per square foot of living area, land included. Comparable #4 was a pending sale for $207,900 or $67.06 per square foot of living area, land included. Comparable #5 listed for $189,000 or $75.60 per square foot of living area. After making adjustments to the comparables for differences when compared to the subject property, the appraiser concluded the comparables had adjusted prices ranging from $166,690 to $208,785. Based on these adjusted sales, the appraiser estimated the subject had an estimated value of $170,000 under the sales comparison approach to value.

The appellant submitted three suggested comparable sales to further support the overvaluation claim and assessment inequity. The appellant's comparable #1 is the same as the appraiser's comparable #1. The comparables are improved with two-story single family dwellings of brick and frame exterior construction built in 2005. Features include a fireplace, central air conditioning, full unfinished basements and attached three-car garages. The dwellings range in size from 3,411 to 4,047 square feet of living area and have improvement assessments ranging from $80,408 to $86,269 or from $20.24 to $25.29 per square foot of living area.

The appellant did not disclose the lot sizes of the three suggested comparables.

The comparables also sold from August 2005 to May 2009 for sale prices ranging from $186,000 to $286,585 or from $46.45 to $72.15 per square foot of living area including land.

The appellant submitted a legal brief describing the purchase of the property and the location of the property in a Special Service Area (SSA). Also submitted was other documentation about the SSA and a copy of the 2009 complaint form to the board of review.

The appellant testified that at the time of purchase the property had damage that needed to be repaired. Pipes had frozen, walls were damaged, screens removed and the hot water heater was missing.

Under cross-examination the appellant was questioned about the property being located in an SSA. The appellant testified that the additional cost for being in the SSA is approximately $2,000 per year and he believes it is driving the property values down. The appellant also testified that sometime after purchasing the property it was listed for sale with a realtor for an asking price somewhere around $200,000. It was on the market for approximately one year and there were no offers.

Based on the evidence and testimony submitted, the appellant requested the assessment be reduced to the sales price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $101,733 was disclosed. The subject's assessment reflects an estimated market value of $304,499 or $82.12 square foot living area, including land using Kendall County's 2009 three-year median level of assessments of 33.41%. The subject has an improvement assessment of $81,210 or $25.51 per square foot of living area.

The board of review submitted a letter addressing the appeal. In support of the subject's assessment, the board of review submitted a location map, photographs and a grid analysis containing seven suggested comparables.

Appearing for the board of review was Assistant State's Attorney, David Berault and the Clerk of the Board of Review, Andy Nicolette. Berault called as his witness Nicolette. Nicolette testified that the seven comparables are located in the same subdivision and one-half mile or less from the subject property. The comparables are improved with two-story single family dwellings of brick and frame exterior construction built in 2005 or 2006. Features include a fireplace, three and one-half baths, central air conditioning, unfinished basements ranging in size from 1,225 to 1,869 square feet and attached garages ranging in size from 400 to 683 square feet of building area. The dwellings range in size from 2,464 to 4,260 square feet of above grade living area and have improvement assessments ranging from $60,630 to $90,917 or from $19.60 and $28.15 per square foot of living area.

The comparables have sites ranging in size from 12,202 to 20,792 per square foot of land area and have land assessments of $17,547 or $22,576 or from $1.09 to $1.44 per square foot of land area. The subject property has a land assessment of $20,523 or $1.60 per square foot of land area.

The comparables sold from February 2008 to August 2009 for sale prices ranging from $233,000 to $305,000 or from $61.74 to $102.49 per square foot of living area including land. Nicolette

also testified that the comparables were adjusted using the same adjustments as the appraiser. The adjusted sale prices ranged from $226,795 to $295,105 or from $59.37 to $99.16 per square foot of living area including land.

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 appellant submitted a closing statement showing the subject property was purchased in July 2009 for $160,000. The appellant also submitted an appraisal estimating the subject's fair market value, of $170,000 as of June 10, 2009. Finally, the appellant submitted three comparable sales to further support the overvaluation claim. The board of review submitted seven suggested sales to support its assessment of the subject property.

The Property Tax Appeal Board finds the best evidence of the subject's fair market value in this record is the subject's July 2009 arm's length sale price for $160,000. The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983); People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970); People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for $160,000 in July 2009. The appellant testified that the parties were not related and the subject property was exposed on the open market. The Board finds this record is void of any evidence showing the subject's sale was not an arm's-length transaction. Also, the

board of review did not refute that the purchase of the property was an arm's-length transaction nor did it refute the value conclusion of the appraisal. The subject's assessment reflects an estimated market value of $304,499, which is considerably greater than the arm's-length sale price. The Board also finds the appraisal and comparable sales support the sale price of $160,000 in July 2009.

The Board gave less weight to the seven comparable sales submitted by the board of review. Comparables #1 and #5 are superior in building size, number of baths, car stalls and basement size when compared to the subject property. Comparables #3 and #6 are superior in number of baths, basement size and car stalls when compared to the subject property. Comparable #2 is superior in number of baths and basement size when compared to the subject property. Comparable #4 is inferior in building size but superior in number of baths and basement size, which includes a walk-out, when compared to the subject property. Comparable #7 is superior in basement size when compared to the subject property. Comparable 4 is inferior in building size and finished basement when compared to the subject. Furthermore, none of the comparables were shown to be in a similar state of repair as the subject property when they sold.

Based on this record, the Board finds a reduction in the subject's assessment is warranted. Since market value has been established, the three-year median level of assessments for Kendall County for 2009 of 33.41% shall be applied.

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.

Chairman

Member

Member

Member

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: June 21, 2013

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.