



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

APPELLANT: Jose De La O  
DOCKET NO.: 09-03953.001-R-1  
PARCEL NO.: 15-18-427-020

The parties of record before the Property Tax Appeal Board are Jose De La O, the appellant; 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: \$14,604  
IMPR.: \$48,019  
TOTAL: \$62,623**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a raised ranch (split level) dwelling of brick and frame construction. The dwelling contains 1,134 square feet of living area<sup>1</sup> and is 41 years old, built in 1968. Features of the home include a full basement with finished area, central air conditioning, an in-ground pool and a 1-car garage containing 328 square feet. The dwelling is located in Aurora, Aurora 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 Eleanore Kanaba of S&P Appraisals, Inc., in which a market value of \$188,000 or \$165.78 per square foot of living area including land was estimated for the subject property as of August 31, 2009. The appraiser developed the sales comparison approach to value in estimating the fair market value of the subject property.

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<sup>1</sup> The appellant claims the dwelling contains 1,134 square feet of living area and submitted an appraisal with a detailed schematic with dimensions to support the claim. The board of review claims the subject contains 2,120 square feet of living area and submitted a property record card with a schematic drawing with dimensions to support the claim.

The appraiser considered five comparable properties - three sales and two listings. The comparables were located between 0.28 miles and 0.58 miles from the subject. The lots range in size from 4,750 to 10,430 square feet of land area. Comparables #1, #4 and #5 are raised ranch/split level dwellings and comparables #2 and #3 are ranch homes. All of the comparables are frame or brick and frame construction. The comparables range in size from 891 to 1,680 square feet of living area and are between 20 and 51 years old. The comparables feature full or partial basements, four with finished area. Other features include central air conditioning, fireplaces and two-car garages. Comparables #1, #2, and #3 were sales that closed between May and August 2009 for prices ranging from \$179,000 to \$189,000, or from \$112.50 to \$171.29 per square foot of living area including land. Comparables #4 and #5 were not sales but listings for \$207,900 and \$199,900 or \$233.33 and \$196.17 per square foot of living area including land. The appraiser stated the subject had been listed for sale in 2007 for \$244,900 and comparable #1 had been listed in 2008 for \$209,000.

The appraiser adjusted the comparables for financing concessions, date of sale, view, quality of construction, room count, gross living area, basement size and finish, condition, garage size, kitchen and bath modernization, patios/decks and fireplaces. Since the appraisal date was August 31, 2009, the appraiser adjusted the values of comparables #1 and #3 by 1-2% for having closing dates 3-4 months prior to the appraisal date. The appraiser adjusted comparables #4 and #5 by 3% since they were listings and not sales. The final adjusted prices of the five comparables range from \$181,500 to \$209,900 or from \$108.04 to \$221.55 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be \$188,000 or \$165.78 per square foot of living area including land as of August 31, 2009.

Based on this evidence, the appellant requested that the subject's assessment be reduced to \$62,660.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$75,826 was disclosed. The subject's total assessment reflects an estimated market value of \$227,637 or \$200.74 per square foot of living area, land included, using the 2009 three-year median level of assessments for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review presented descriptions and assessment information on three comparable properties. The comparable dwellings were built between 1959 and 1973 and consist of raised ranch/split level dwellings of frame construction. The dwellings range in size from 2,040 to 2,234 square feet of living area. Features include central air conditioning and garages that contain between 328 and 494 square feet. These properties sold between May 1985 and January 2007 for prices ranging from \$74,000 to \$233,000 or from \$33.12 to \$109.91 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 argues that the sales used by the board of review are too old.

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 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 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 warranted.

Initially, the Board finds the correct size of the subject to be 1,134 square feet of living area. The appellant submitted a schematic drawing with dimensions in the appraisal to support the claim that the subject contains 1,134 square feet of living area. The board of review submitted a schematic drawing with dimensions on the property record card to support their claim that the subject contains 2,120 square feet of living area. The board of review counted the lower level (basement) of the raised ranch as living area. The Board finds that the lower level of a raised ranch, often called an English basement, is superior to a regular basement in that it typically has partially exposed walls with larger windows. However, it is still a basement and should not be included as part of the living area.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$188,000 as of August 31, 2009, eight months after the subject's valuation date of January 1, 2009. The purpose of this appraisal was for refinancing and not for assessment purposes; therefore, the appraiser did not adjust the subject's value conclusion for the eight month difference between the assessment date and the appraisal date.

The board of review submitted three comparables which sold more than two years prior to the subject's assessment date and were significantly larger than the subject. Therefore these comparables received less weight in the Board's analysis.

The appraiser submitted five comparables, two of which differed significantly from the subject in style and size, and two of which were listings not sales. Therefore, the Board gives little

weight to comparables #2, #3, #4 and #5 in the appraisal. However, the Board finds comparable #1 very similar to the subject in size, style, exterior construction, location, land area, features and age. The adjusted sale price of this comparable is \$188,500 which supports the appraiser's value conclusion for the subject of \$188,000. Therefore, the Board finds the subject's value as of August 31, 2009, eight months after the assessment date, to be \$188,000.

Based on this record, the Property Tax Appeal Board finds the best evidence of market value is the appraisal report. The Board finds the subject property is overvalued and a 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: 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.