



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

APPELLANT: Matthew & Kristine Massey
DOCKET NO.: 09-03993.001-R-1
PARCEL NO.: 05-05-442-029

The parties of record before the Property Tax Appeal Board are Matthew & Kristine Massey, the appellants, by attorney Kelly A. Helland of Law Offices of Daniel J. Kramer in Yorkville; 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: \$18,501
IMPR.: \$54,832
TOTAL: \$73,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject consists of a 12,016 square foot parcel improved with a 2-story dwelling of frame construction. The dwelling contains 2,787 square feet of living area and is 5 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace¹ and a 3-car garage containing 651 square feet. The subject is located in Yorkville, Kendall Township, Kendall County.

The appellants contend overvaluation based on the recent sale of the subject property. The appellants submitted a settlement statement from May 2009 indicating the contract sales price was \$220,000. The appellants also submitted two warranty deeds documenting the property was sold in April 2009 to a relocation company, which in turn sold the property in May 2009 to the appellants. In Section IV of the Appeal Form, Recent Sale Data, the appellants indicated the property was advertised for sale through multiple listing, sold by a realtor, and the sale was not between family or related corporations. Based on this record, the appellants requested the subject's assessment be reduced to

¹ The board of review claims the dwelling contains a fireplace and submitted the property record card to support their claim. The appellants claim the dwelling has no fireplace but did not provide evidence to that effect.

\$73,333 which would reflect a market value of approximately \$220,000 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 \$96,225 was disclosed. The subject's total assessment reflects an estimated market value of \$288,013 or \$103.34 per square foot of living area, using the 2009 three-year median level of assessments for Kendall County of 33.41% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted a grid analysis of four comparable properties and a GIS aerial photograph of the subject and the comparables. All four of the comparable properties are located in the same subdivision as the subject on lots ranging in size from 12,000 to 22,170 square feet of land area. The comparables range in age from four to seven years and consist of 2-story brick and frame dwellings. The dwellings range in size from 2,394 to 2,706 square feet of living area. Features include full unfinished basements, central air conditioning and garages that contain between 420 and 784 square feet. Three comparables feature one or two fireplaces. These properties sold between May and October 2008 for prices ranging from \$277,500 to \$300,000 or from \$102.73 to \$119.05 per square foot of living area.

The board of review questions whether the sale was an arm's length transaction since the seller was a relocation company. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 appellants contend 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 (3rd 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)). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the appellants submitted a settlement statement documenting that the property sold in May 2009 for \$220,000 or

\$78.94 per square foot of living area including land. The seller was a relocation company. The Board further finds the appellants disclosed the property was advertised for sale, sold through a realtor, and the sale was not between family or related corporations.

The board of review submitted four comparable properties in close proximity to the subject which sold for prices ranging from \$277,500 to \$300,000 or from \$102.73 to \$119.05 per square foot of living area. Since the seller was a relocation company, the board of review questions whether the sale was an arm's length transaction, but did not submit any evidence to refute the arm's length nature of the sale. Although these sales indicate other homes in close proximity to the subject sold for more than the subject in 2008, the Board finds there is no evidence to contradict the claim that this was an arm's length sale. Therefore, the Board finds the best evidence of market value in the record is the sale of the subject in May 2009 for \$220,000. The Board further finds the subject had a value of \$220,000 as of its assessment date of January 1, 2009. Based on this evidence the Board finds a reduction in the subject's assessment equivalent to the appellants' request is appropriate.

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.