



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

APPELLANT: K. Charles MacKay
DOCKET NO.: 09-04210.001-R-1
PARCEL NO.: 03-21-131-004

The parties of record before the Property Tax Appeal Board are K. Charles MacKay, 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: \$31,888
IMPR: \$68,112
TOTAL: \$100,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of frame lap siding construction that contains 2,360 square feet of living area. The dwelling is described as being an "Ashley Model" and is 18 years old. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a 506 square foot attached garage. The subject has a 10,890 square foot site and is located in West Dundee, Dundee Township, Kane County.

The appellant appeared before the Property Tax Appeal Board contending both overvaluation and assessment inequity as the basis of the appeal. In support of this argument the appellant provided photographs, descriptions and assessment information on three comparables located on the same street as the subject property. The comparables were improved with two-story single family dwellings that ranged in size from 2,344 to 2,360 square feet of living area. The dwellings were of frame lap siding construction and are 18 or 19 years old. Each dwelling has a basement, central air conditioning, one fireplace and a 506 square foot attached garage. Two of the comparables are "Ashley

Models" and the other comparable is a "Heritage Model". These properties had sites ranging in size from 10,000 to 13,504 square feet of land area. The comparables sold from May 2008 to November 2008 for prices ranging from \$230,000 to \$312,000 or from \$98.12 to \$132.20 per square foot of living area, including land.

These same comparables had improvement assessments ranging from \$80,412 to \$91,440 or from \$34.31 to \$38.75 per square foot of living area. The subject has an improvement assessment of \$82,630 or \$35.01 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 \$99,916.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$114,518 was disclosed. The subject's assessment reflects a market value of \$343,795 or \$145.68 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 the subject's property record card, a grid analysis of the appellant's comparables¹, an analysis of six comparable sales and an analysis of six equity comparables identified by the Dundee Township Assessor's Office. The six comparables sales were improved with two-story dwellings of frame construction that ranged in size from 2,346 to 2,472 square feet of living area. Included are three "Quincy Models", two "Bedford Models" and one "Ashford Model". The dwellings were built from 1990 to 1996. Each comparable has a full basement with five being partially finished, central air conditioning, one fireplace and attached garages that range in size from 506 to 770 square feet. Each comparable was located in the subject's subdivision. These properties sold from July 2006 to May 2008 for prices ranging \$349,000 to \$390,000 or from \$141.59 to \$164.28 per square foot of living area, including land.

Also submitted were six different equity comparables. Each of these comparables was an "Ashley Model" design. The dwellings were two-story, frame construction containing 2,360 square feet of living area and were built from 1990 to 1995. Other features include central air conditioning, one fireplace and 506 square foot attached garages. These comparables have improvement assessments that range from \$82,664 to \$83,504 or from \$35.03 to \$35.38 per square foot of living area. Based on this evidence,

¹ It was shown in the board of reviews grid that the appellant's comparable 1 has a partially finished basement and the appellant's comparable 3 was purchased from a financial institution and was described as not a valid sale. There was no evidence submitted to support either claim.

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 nine comparable 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 and the same "Ashley Model" designs included appellant's comparables 1 and 2. These comparables were improved with two-story dwellings that contained 2,360 square feet of living area. The comparables were similar to the subject in location, design, age, exterior construction and features. These properties sold May 2008 and July 2008 for prices of \$287,500 and \$312,000 or \$121.82 and \$132.20 per square foot of living area including land. The subject's assessment reflects a market value of \$343,588 or \$145.59 per square foot of living area, including land, when using the statutory level of assessments of 33.33% is applied, which is above the best sales established in the record Based on this record; the Board finds a reduction in the subject's 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.

Ronald 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: June 22, 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.