



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

APPELLANT: Lawrence & Michele Mortimer
DOCKET NO.: 09-04478.001-R-1
PARCEL NO.: 09-05-302-003

The parties of record before the Property Tax Appeal Board are Lawrence & Michele Mortimer, the appellants; 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: \$54,995
IMPR.: \$190,869
TOTAL: \$245,864

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,095 square foot parcel improved with a two-story style brick and frame dwelling that was built in 2003 and contains 4,139 square feet of living area. Features of the home include central air-conditioning, two fireplaces, a three-car garage and a full unfinished basement. The dwelling is situated on a 14,095 square foot lot located in South Elgin, St. Charles Township, Kane County.

Lawrence Mortimer appeared before the Property Tax Appeal Board on behalf of both appellants, contending overvaluation¹ as the basis of the appeal. In support of this argument, the appellants submitted a Residential Appraisal Summary Report prepared by

¹ While in Section 2d the appellants also marked "assessment equity" as an additional basis of the appeal. The appellants failed to report the assessments of the comparables for purposes of analysis on grounds of lack of uniformity.

Joseph Vega, a Certified Residential Appraiser. Vega estimated the subject property had a market value of \$625,000 or \$151.00 per square foot of living area including land as of January 1, 2009.

Vega was called as the appellants' witness. During qualification of the witness, Vega testified that as of the date of the report, October 18, 2009, he was still a licensed appraiser in the State of Illinois and under no restrictions. In 2004, Vega verified he was reprimanded by the State of Illinois, Department of Financial and Professional Regulation. He testified that as of December 14, 2011 his license has been revoked by the State of Illinois, Department of Financial and Professional Regulation. He testified that he thought testifying about an appraisal written before the revocation was not in violation of the revocation, but he had not checked with the Division of Professional Regulation. Vega also testified that he received a flat fee for the appraisal and there would be no additional compensation for testifying or based on the decision of this appeal.

Vega prepared an appraisal of the subject property. The intended use of the appraisal report was to establish an equitable ad valorem tax assessment as of January 1, 2009. Vega provided direct testimony regarding the appraisal methodology and final value conclusion. The appraisal report conveys an estimated market value for the subject property of \$625,000 as of January 1, 2009, using the sales comparison approach to value. Vega testified he only performed an exterior inspection of the subject property at the time of this appraisal.

Under the sales comparison approach to value, Vega utilized three comparable sales and one listing located in South Elgin from .02 miles to .31 miles from the subject property. The appraisal also included photographs of the subject and the comparables. The comparables have lot sizes ranging from 12,031 to 19,536 square feet of land area. The appraisal described the comparables as being improved with two-story dwellings. The comparables range in size from 3,764 to 4,332 square feet of living area and are from 5 to 8 years old. Features include central air conditioning, three-car garages, two or three fireplaces² and full basements with three having finished areas. Comparables #1 through #3 sold from February 2008 to May 2008 for prices ranging from \$745,000 to \$790,000 or from \$187.75 to \$202.36 per square foot of living area including land. Comparable #4 listed for \$625,000 or \$144.28 per square foot of living area including land. Vega made adjustments to the comparables to account for differences from the subject in date of sale, living area and basement area or finish. Based on these adjustments the witness calculated the comparables had adjusted sales/listing prices ranging from \$598,200 to \$725,700 or from \$138.08 to \$186.60 per square foot of living area including land. Based on these

² The appraiser did not disclose the number of fireplaces for the subject or comparables. This information was obtained from the property record cards submitted by the board of review.

adjusted sales, Vega estimated the subject had a market value of \$625,000 or \$151.00 per square foot of living area including land as of January 1, 2009.

Under cross examination, Vega was questioned about how he arrived at the 1% adjustment per month for the date of sale. He responded it was based on the declining market from the year 2008 to 2009 in this market area and he did not submit any supporting documentation. Vega testified that there were no site adjustments based on the assessor's assessed valuation for the land. Vega also testified that there was a software glitch for having two dates of inspection in the appraisal.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$245,864 was disclosed. The subject's total assessment reflects an estimated market value of \$738,109 or \$178.33 per square foot including land when applying the 2009 three year average median level of assessments for Kane County of 33.31%.

In support of the subject's assessment, the board of review submitted a letter from the township assessor addressing the appeal, a grid analysis from the township assessor detailing sales and assessment information for the four comparables used in the appellant's appraisal and three additional comparables. Also included were copies of the property record cards, including photographs for the subject property and the comparables used by both parties.

The assessor's comparables consist of two-story brick and frame or brick, frame and stone exterior construction that were built from 2002 to 2004. All the comparables have central air conditioning, two fireplaces, full unfinished basement and garages ranging in size from 720 to 833 square feet of building area. The sites range in size from 14,802 to 17,840 per square feet of land area. The dwellings range in size from 3,906 to 4,058 square feet of living area and sold from December 2002 to January 2005 for prices ranging from \$721,523 to \$785,872 or from \$167.51 to \$192.37 per square foot of living area including land. The assessor also disclosed that the appellant's comparable #4 which was a listing in the appraisal sold in April and July 2009 for \$592,500 or \$136.77 per square foot of living area including land. 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 no reduction in the subject property's assessment is warranted.

The appellants contend overvaluation as the basis of the appeal. 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In support of the overvaluation argument the appellants submitted an appraisal estimating the subject had a market value of \$625,000 as of January 1, 2009. The Board gives the conclusion of value contained in the appraisal little weight. The appraisal was an "exterior only" appraisal. The appraiser made no adjustments for the differences in land sizes, quality of construction or garage sizes. The appraiser also submitted no documentation for the adjustment amounts of sale/time, gross living area and finished basement. However, the Board will further examine the raw sales data contained in this record, including the sales in the appellant's appraisal.

The Board finds seven comparables were submitted by both parties in support of their respective positions. The Board gave less weight to comparables #1, #2 and #3 submitted by the board of review. These sales occurred from December 2002 to January 2005 which is less indicative of fair market value as of the subject's January 1, 2009 assessment date. The Board finds the comparables most similar to the subject that sold most proximate in time to the assessment date at issue are the appellant's comparables. The Board finds these comparables are more similar to the subject in location, design, size, age and features. These properties sold from February 2008 to July 2009 for prices ranging from \$592,500 to \$790,000 or from \$136.77 to \$202.36 per square foot of living area including land. Three of the four sales have unit prices ranging from \$187.75 to \$202.36 per square foot of living area, including land. The subject's assessment reflects a market value of \$738,109 or \$178.33 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%, which is within the range established by the best sales in the record. Additionally, the Board finds the subject's assessment reflects a per square foot value below three of the four best comparables in the record.

Based on the evidence submitted, the Board finds the appellants failed to establish overvaluation by a preponderance of the evidence. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction 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.

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: October 18, 2013

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.