



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

APPELLANT: Randy & Maureen Powelson
DOCKET NO.: 10-01219.001-R-1
PARCEL NO.: 11-13-228-036

The parties of record before the Property Tax Appeal Board are Randy & Maureen Powelson, the appellants; 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: \$41,715
IMPR: \$208,485
TOTAL: \$250,200

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 18,677 square feet of land improved with a 12-year old, two-story, single-family dwelling containing 5,430 square feet of living area. Features include a full, walkout basement which is partially finished, four and one-half baths, three fireplaces, and a three-car garage.

The appellants contend that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellants submitted an appraisal estimating the subject property had a market value of \$750,000 as of January 1, 2010. The appraiser developed the sales comparison approach to value to estimate a value for the subject of \$750,000. The appraiser calculated the subject's improvement size at 5,430 square feet of living area with a building sketch to support the estimated size. He utilized three comparable sales that sold from July, 2009 through December, 2009 for prices that ranged from \$602,000 to \$845,000, or from \$150.42 to \$207.06 per square foot of living area, land included. The properties are improved with two-story, single-family dwellings.

The dwellings range in age from 9 to 11 years and in size from 3,719 to 4,081 square feet. Features included full basements, two of which contained some finish, three and one-half or four bathrooms, fireplaces, and three-car garages. After making adjustments to the comparables, the appraiser estimated market value indications for the subject ranging from \$737,000 to \$760,100. The appraiser reconciled these indications into a final opinion of market value for the subject of \$750,000 as of January 1, 2010. The appellants requested the subject's assessment be reduced to reflect a \$750,000 market value as of January 1, 2010.

The appellants also submitted evidence to the Property Tax Appeal Board claiming unequal treatment in the assessment process regarding the subject's total assessment.

In support of this claim, the appellants submitted a grid analysis sheet indicating the subject's market value based upon the assessment for the years 2005 through 2010. The appellant's then calculated the year to year percentage change in the assessments and the overall change between 2005 and 2010. Based upon this calculation, the appellant's claim the subject's 2010 assessment is 6% higher than the 2005 assessment. The appellant's also submitted four other grid analysis sheets showing assessment changes for other homes in the subject's "assessment grouping" and changes in assessments for homes which sold in 2004, the same year as the subject's last transaction. Both of these analyses indicate that all other homes have seen their assessments and market values decrease between 2005 and 2010. While the subject's assessed value increased 6% from 2005 to 2010, the assessments of the eighteen comparables provided by the appellants decreased from 10% to 29%. Based upon various equity comparisons the appellants calculated the subject's value should be in the range of \$665,500 to \$707,200, with a final request for a value based on equity of \$705,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$296,009 was disclosed. The subject's assessment reflects a market value of \$887,317 using the three-year median level of assessment for Kane County as determined by the Illinois Department of Revenue of 33.36% for 2010.

In support of the assessment the board of review submitted a total of four comparable sales. The properties were improved with two-story, single-family dwellings. They ranged: in age from 3 to 10 years; and in size from 3,572 to 5,127 square feet of living area. The properties sold from April 2007 to July, 2009 for prices ranging from \$675,000 to \$720,000, or from \$154.44 to \$201.57 per square foot of living area, land included. Although the board of review did not submit complete property descriptions of the comparables, they did submit the 2010 assessment breakdowns. The improvement assessments ranged from \$47.82 to \$49.95 per square foot of living area. Using the square footage of 5,254 square feet from assessment records, the

subject's improvement assessment as calculated by the board of review is \$48.40 per square foot of living area. As a result of its analysis, the board of review requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The first issue before the Board is the correct square footage attributable to the subject improvement. The Board finds the appellants presented the appraiser's drawing and a listing of the outside and inside measurements including a drawing and listing of the measurements of the upper floor. Based upon these measurements, the appraiser calculated a total of 5,430 square feet. The board of review submitted only the assessment grid analysis as support for their opinion of the subject's square footage. The Board finds the appraiser's drawing with detailed measurements of the upper floor to be the most reliable size evidence in the record. Consequently, the Board finds the subject improvement contains 5,430 square feet of living area.

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, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code Sec. 1910.65(c). Having considered the evidence presented, the Property Tax Appeal Board finds that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Property Tax Appeal Board finds the best evidence to be the appellants' appraisal. The appellants' appraiser utilized the sales comparison approach to value in determining the subject's market value. He utilized three comparable sales that sold from July, 2009 through December, 2009 for prices that ranged from \$602,000 to \$845,000, or from \$150.42 to \$207.06 per square foot of living area, land included. The properties are similar to the subject in amenities and physical characteristics. All of the comparables are smaller than the subject, but the appraiser adjusted for the size differentials. After making adjustments to the comparables, the appraiser estimated an opinion of market value for the subject of \$750,000 as of January 1, 2010.

The Board finds less weight should be given board of review sales comparables. The board did not supply full, detailed property descriptions that would assist in determining if adjustments need be made for differences between the sales properties and the subject. The Board also finds little weight should be given comparables #1, #2, and #3. These properties all sold from April, 2007 to August, 2008, which the Board finds too far removed from the assessment date of January 1, 2010 to give an

accurate opinion of value for the subject. Board of review's comparable number four is more than 1,200 square feet smaller than the subject and seven years newer; adjustments would be required to the \$675,000 sales price.

Therefore, the Property Tax Appeal Board finds that the subject property had a market value of \$750,000 as of January 1, 2010. Since the market value of the subject has been established, the three-year median level of assessment as established by the Illinois Department of Revenue for Kane County of 33.36% shall apply.

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. The Board gives little merit to the appellant's argument that the subject's assessment increased while other properties experienced assessment decreases. The Board finds this type of analysis is not an accurate measurement or a persuasive indicator to demonstrate an assessment inequity by clear and convincing evidence or overvaluation by a preponderance of the evidence. The Board finds rising or falling assessments from year to year on a percentage basis do not indicate whether a particular property is inequitably assessed or overvalued.

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: October 19, 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.