



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

APPELLANT: Eloy Moreno  
DOCKET NO.: 10-01237.001-R-1  
PARCEL NO.: 03-13-451-008

The parties of record before the Property Tax Appeal Board are Eloy Moreno, the appellant, by attorney Herbert B. Rosenberg of Schoenberg Finkel Newman & Rosenberg LLC in Chicago; 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: \$14,031  
IMPR.: \$39,809  
TOTAL: \$53,840**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject parcel is improved with a raised-ranch dwelling of frame construction. The home was built in 1968 and contains 1,400 square feet of living area on the upper level and 840 square feet of finished basement living area.<sup>1</sup> Features of the dwelling include a finished lower level (basement), central air conditioning, fireplace and a 2-car garage. The subject is located in Carpentersville, Dundee Township, Kane County.

The appellant contends overvaluation of the subject property based on an appraisal report in which a market value of \$135,000 was estimated for the subject property as of January 1, 2010. The appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

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<sup>1</sup> In this appeal, the board of review counts the lower level of a raised ranch as living area but the appraiser counts the lower level as finished basement. The board of review claims the subject contains 2,268 square feet of finished area on both levels, but submitted a property record card refuting that claim. The property record card states the upper level contains 1,400 square feet of living area and the finished basement living area contains 434 square feet, for a total of 1,834 square feet of living area. The appraiser claims the subject contains 1,400 square feet of living area on the upper level and 840 square feet in the finished basement for a total finished square footage of 2,240. Throughout this decision, the Board will use 1,400 as the square footage of living area for the subject.

The appraiser considered four comparable properties located a distance of .01 of a mile to 1.27 miles from the subject. The comparables are raised-ranch dwellings of frame or brick and frame construction. They range in size from 960 to 1,331 square feet of living area<sup>2</sup> and range in age from 42 to 54 years old. The comparables feature 1 or 2 car garages. Three feature central air conditioning. No information was provided regarding fireplaces. The comparables sold between July 2008 and October 2009 for prices ranging from \$110,000 to \$165,900 or from \$114.58 to \$167.91 per square foot of living area including land.

The appraiser adjusted the comparables for FHA points, date of sale, site, view, quality of construction, condition, room count, gross living area, basement finish, central air conditioning, porch/patio/deck and garage. The final adjusted sale prices ranged from \$118,150 to \$137,900 or from \$101.80 to \$135.32 per square foot of living area including land. Based on these adjusted comparables, the appraiser estimated the subject's fair market value to be \$135,000 or \$96.43 per square foot of living area including land as of January 1, 2010.

Based on this evidence, the appellant requested that the subject's assessment be reduced to \$44,996 which would reflect a market value of approximately \$135,000 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 \$53,840 was disclosed. The subject's assessment reflects an estimated market value of \$161,391 or \$115.28 per square foot of living area, land included, using the the 2010 three-year median level of assessments for Kane County of 33.36% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code Sec. 1910.50(c)(1)).

In support of the subject's assessed value, the board of review submitted a grid analysis for four comparable properties<sup>3</sup>. The board of review's comparables are frame raised-ranch dwellings built between 1961 and 1969. These comparables contain either 1,960 or 2,268 square feet of finished area on both upper and lower levels. Three comparables feature garages and one has central air conditioning and a fireplace. The comparables sold from August 2007 to June 2010 for prices ranging from \$177,450 to \$224,900. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney claims the board of review's comparable sales evidence, with no adjustments, is merely anecdotal. The attorney cites School District No. 54

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<sup>2</sup> Upper level only.

<sup>3</sup> The board of review included an attachment with information on two other dated sales from 2007.

appeal number 00-21630.001-C-3. In a letter, the appellant's appraiser claims that two of the board of review's comparable dwellings have been rehabbed and are superior to the subject. The board of review's comparable #3 was sold in May 2008 for \$180,000 but the appraiser cites a sale in May 2011 of the same parcel for \$87,500. Comparable #1, which was sold in 2007, is dated and features an elevator.

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 does not support 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 Sec. 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is not warranted.

Initially, the Board finds only the upper level of raised-ranch homes is counted as living area. Lower levels are finished basements. Since the board of review did not provide upper level sizes for their comparable sales, "per foot" comparisons for the board of review sales are difficult if not impossible. However, the Board further finds, based on the photographic evidence and the characteristics of the dwellings, that the board of review's comparables #1, #2 and #3 are very similar to the subject and contain the same number of total square feet. Therefore, the Board finds that the board of review comparables #1, #2 and #3 contain approximately 1,400 square feet of living area on the upper level.

The Board further finds that the board of review's sales comparables #1, #3, and #4 were dated and on this record were not as reliable or credible indicators of the subject's market value as of January 1, 2010 as other record evidence of more proximate sales. Therefore these comparables received less weight in the Board's analysis.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of \$135,000 or \$96.43 per square foot of living area. This value conclusion is less than the adjusted value of all of the comparables on a per square foot basis. Therefore the Board finds the value conclusion arrived at in the appraisal report is not a credible indicator of the subject's market value. The Board will therefore examine the raw sales submitted by both parties.

The Board finds comparable #1 submitted by the appraiser and comparable #2 submitted by the board of review were most similar to the subject in size, style, construction, age and features, and had sold most proximate to the subject's January 1, 2010 assessment date. These two comparables sold in October 2009 and June 2010 for \$162,500 and \$177,450, or \$122.09 and \$126.75 per square foot of living area. The subject's assessment reflects an estimated market value of \$161,391 or \$115.28 per square foot of living area which is less than these two most similar comparables.

Therefore, the Board finds the appellant's have failed to prove by a preponderance of the evidence that the subject is overvalued, and no 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.

*Ronald R. Cuit*

Chairman

*Frank J. Huff*

Member

*Mark Morris*

Member

*JR*

Member

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: March 22, 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.