



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

APPELLANT: Jeffrey M. & Lisa A. Peterson  
DOCKET NO.: 10-01356.001-R-1  
PARCEL NO.: 02-32-405-022

The parties of record before the Property Tax Appeal Board are Jeffrey M. & Lisa A. Peterson, the appellants, and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$19,985  
**IMPR.:** \$52,588  
**TOTAL:** \$72,573

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story single-family dwelling of frame construction containing approximately 1,572 square feet of living area.<sup>1</sup> The dwelling was constructed in 1993. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached two-car garage. The property has a large site<sup>2</sup> and is located in Yorkville, Kendall Township, Kendall County.

The appellants' appeal is based on both unequal treatment in the assessment process and overvaluation. In support of these claims, the appellants submitted grid analyses of both equity comparables and sales comparables, an appraisal of the subject property and a brief contending that the economic decline has reduced the value of the subject property since it was purchased in September 2005, but the reduced value has not been reflected in the subject's assessment. In addition, the appellants contend that property taxes on the subject have increased, but

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<sup>1</sup> The appellants' appraiser reported a dwelling size of 1,563 square feet whereas the board of review reported a dwelling size of 1,572 square feet. The Board finds this difference is insignificant in determining the correct assessment of the subject property.

<sup>2</sup> The appellants and their appraiser reported the lot contains 18,700 square feet of land area. The board of review reported the lot contains 22,980 square feet of land area. Neither party submitted documentation to support the reported lot size.

infrastructure needs in the subject's subdivision are not being addressed despite the high rate of taxes.<sup>3</sup>

The seven equity comparables were described as ranch, raised ranch or bi-level brick or frame and masonry dwellings that were built between 1960 and 1975, with no date reported for comparable #7. The dwellings range in size from 1,152 to 1,644 square feet of living area. Features include full basements/lower levels, central air conditioning and a one-car or a two-car attached garage. One of the comparables has a fireplace and a shed. The comparables have improvement assessments ranging from \$35,981 to \$70,985 or from \$26.98 to \$35.17 per square foot of living area. The subject's improvement assessment is \$52,588 or \$33.45 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment to \$43,960 or \$27.96 per square foot of living area.

In support of the overvaluation argument based upon comparable sales data, the appellants presented sales information as to comparables #4 through #7. These comparables sold between March 2009 and May 2010 for prices ranging from \$133,000 to \$173,000 or from \$102.49 to \$144.10 per square foot of living area, land include.

In further support of the overvaluation argument, the appellants submitted an appraisal estimating the subject property had a market value of \$218,000 as of December 18, 2008. The appraisal was prepared by Jerry T. Gallo, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property, the appraiser developed the cost and the sales comparison approaches to value.

As to market conditions, at the time of the report the appraiser noted the market was stable with prices slightly declining, with a balance between buyers and sellers with an average market time of 30 to 180 days for properties prices within 5% of value.

Under the cost approach, the appraiser estimated the subject had a site value of \$35,000 based on area land sales. The appraiser estimated the replacement cost new of the improvements to be \$218,430. The appraiser estimated physical depreciation to be \$26,889 based on the age/life method resulting in a depreciated improvement value of \$191,541. The appraiser also estimated the site improvements had a value of \$5,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$231,541 under the cost approach to value.

Using the sales comparison approach, the appraiser provided information on five sales and one listing located from .05 to .97 of a mile from the subject. The parcels range in size from 9,920

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<sup>3</sup> It should be noted that the Property Tax Appeal Board is without jurisdiction to determine the tax rate or the amount of a tax bill. (86 Ill.Admin.Code §1910.10(f)).

to 25,000 square feet of land area. The parcels are improved with ranch or raised ranch dwellings of frame, brick or frame and masonry construction that range in size from 1,056 to 1,588 square feet of living area. The dwellings range in age from 17 to 40 years old. Features of the comparables include full or partial basements, five of which include finished area. Five of the comparables have central air conditioning and each has a one-car or a two-car garage. Five of the properties sold from January to September 2008 for prices ranging from \$199,000 to \$222,000 or from \$125.31 to \$195.08 per square foot of living area, including land. The listing had an asking price of \$215,000 or \$161.17 per square foot of living area, including land.

After making adjustments to the comparables for differences from the subject the appraiser calculated the comparables had adjusted prices ranging from \$212,870 to \$222,470 or from \$138.22 to \$207.59 per square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$218,000 or \$138.68 per square foot of living area, including land.

In reconciling the two approaches to value the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$218,000 as of December 18, 2008.

Based on the foregoing evidence, the appellants requested a reduction in the subject's total assessment to \$62,945 which would reflect a market value of approximately \$188,835 or \$120.12 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$72,573 was disclosed. The subject's assessment reflects a market value of \$217,806 or \$138.55 per square foot of living area, including land, when applying the 2010 three year average median level of assessment for Kendall County of 33.32% as determined by the Illinois Department of Revenue. In support of the subject's assessment the board of review submitted a cover letter along with both equity and market value information.

As to assessment equity, the board of review presented descriptions and assessment information on four comparable properties located from next door to ½-mile from the subject property. The comparables consist of one-story frame or frame and masonry dwellings that range in age from 6 to 36 years old. The dwellings range in size from 1,445 to 1,704 square feet of living area. Features include full basements, one of which is finished. The homes also have central air conditioning and a garage ranging in size from 360 to 504 square feet of building area. Two of the comparables have a fireplace. These properties have improvement assessments ranging from \$50,916 to \$56,811 or from \$32.47 to \$39.13 per square foot of living area.

In support of the subject's estimated market value based on its assessment, the board of review presented three comparable sales located within 1-mile of the subject property, but in different subdivisions. The comparable parcels range in size from 12,720 to 14,000 square feet of land area and each is improved with a one-story dwelling of frame and masonry construction that range in size from 1,393 to 1,458 square feet of living area. The dwellings range in age from 13 to 19 years old. Each comparable has a full unfinished basement, central air conditioning and a garage ranging in size from 396 to 572 square feet of building area. One comparable also has a fireplace. The comparables sold from October 2009 to February 2010 for prices ranging from \$194,500 to \$217,000 or from \$139.63 to \$151.54 per square foot of living area, including land.

In the letter, the board of review further contended that if the same adjustments were applied to these sales as were used by the appellants' appraiser, the board of review's comparable sales would have adjusted sales prices ranging from \$197,370 to \$218,700.

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 Board further finds a reduction in the subject's assessment is not warranted.

The appellants contend in part unequal treatment in the subject's assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellants have not met this burden.

The parties submitted a total of eleven equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given less weight to appellants' comparables #2, #3, #4, #6 and #7 as each of these dwelling was smaller than the subject dwelling. The Board finds appellants' comparables #1 and #5 along with the comparables submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These six comparables had improvement assessments that ranged from \$46,081 to \$56,811 or from \$29.72 to \$39.13 per square foot of living area. The subject's improvement assessment of \$52,588 or \$33.45 per square foot of living area is within this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction in the

subject's assessment is not warranted on grounds of lack of uniformity.

The appellants also 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 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 (3<sup>rd</sup> Dist. 2002); 86 Ill.Admin.Code §1910.63(e). 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.

The appellants presented an appraisal of the subject property with an opinion of value as of December 18, 2008 of \$218,000. The properties analyzed in the appraisal sold least proximate in time to the assessment date of January 1, 2010. The subject's estimated market value based on its assessment is \$217,806, which is less than the appraiser's opinion of market value. Therefore, no reduction is warranted based on the appraisal.

In addition, both parties submitted a total of seven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given less weight to appellants' comparable #7 as the dwelling is a bi-level design, dissimilar to the subject's one-story design. Additionally, the Board has given reduced weight to appellants' comparable #6 due to its substantially smaller dwelling size when compared to the subject. The Board finds the best evidence of market value in the record to be appellants' comparables #4 and #5 along with the board of review's three sales. These comparables were similar to the subject in size, style, exterior construction, features and/or age. These properties sold most proximate in time to the assessment date at issue. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. The comparables sold for prices ranging from \$168,500 to \$217,000 or from \$102.49 to \$151.54 per square foot of living area, including land. The subject's assessment reflects a market value of \$217,806 or \$138.55 per square foot of living area, including land, which is within the range established by the best comparable sales in this record on a per-square-foot basis and appears well-justified given the subject's larger lot size and features. Based on this record the Board finds the appellants did not demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

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: June 21, 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.