



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

APPELLANT: Jacob Brown
DOCKET NO.: 10-01411.001-R-1
PARCEL NO.: 02-28-357-009

The parties of record before the Property Tax Appeal Board are Jacob Brown, the appellant, and the Kendall 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 Kendall County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$16,291
IMPR.: \$18,709
TOTAL: \$35,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing approximately 1,576 square feet of living area.¹ The dwelling was constructed in 1880. Features of the home include a "cellar"² and central air conditioning. The property has a 9,800 square foot site and is located in Yorkville, Bristol Township, Kendall County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant completed Section IV - Recent Sale Data, provided a grid analysis of three suggested comparables and submitted an appraisal.

The appellant indicated on the appeal form that the subject property was purchased in November 2009 for a price of \$90,000. The appellant indicated the subject property was sold through a Realtor with Coldwell Banker, the property was advertised with

¹ The appellant reported a dwelling size of 1,360 square feet; the appellant's appraiser reported a dwelling size of 1,675 square feet; and the assessing officials reported a dwelling size of 1,576 square feet. The Property Tax Appeal Board finds that the difference in dwelling size between the appellant's appraiser and the board of review is irrelevant to the determination of the subject's correct assessment.

² The appellant's appraiser reported 247 square feet for the "cellar" and the assessing officials reported 520 square feet for the basement. The record fails to clarify which measurement is correct.

the Multiple Listing Service for perhaps a year, and the parties to the transaction were not related. The property was sold in settlement of a foreclosure action and the property was occupied the same month that it was purchased.

In the Section V grid analysis, the appellant set forth three comparable properties located in Bristol Township and across the street from the subject. The comparables were described as two-story frame and masonry dwellings that were each over 100 years old. The dwellings range in size from 1,278 to 2,222 square feet of living area. Other than two-car garages, the appellant reported that other features were "unknown." The sale date and price for comparable #2 were both "unknown"; comparables #1 and #3 sold in January 2009 and September 2003, respectively. These two properties sold for \$95,000 and \$157,850 or for \$74.33 and \$95.21 per square foot of living area, including land, respectively.

The appellant also submitted an appraisal of the subject property estimating a market value of \$105,000 as of October 16, 2009. The appraisal was prepared by Phil Van Tassel, 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. The subject was described as being in fair/average condition with no immediate needed maintenance for neglect or oversight. In the report, the appraiser stated, "[a] cellar is under a hinged portion of the floor in a closet with steps down to the utility services and the HVAC system plus h.w. tank."

The appraiser also prepared a Market Conditions Addendum to the Appraisal Report wherein he opined that foreclosures, short sales and pre-short sales were prevalent in the subject's market. Based on this finding, the appraiser considered sales of these properties to be part of the market with adjustment only for condition.

Under the cost approach, the appraiser estimated the subject had a site value of \$61,500 based on review of recent area land sales. The appraiser estimated the replacement cost new of the improvements to be \$141,964, rounded. The appraiser estimated physical depreciation to be \$70,982, rounded, resulting in a depreciated improvement value of \$70,982, rounded. The appraiser also estimated the site improvements had a value of \$3,500. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$136,000 under the cost approach to value.

Using the sales comparison approach the appraiser provided information on three comparable sales and one listing located from .07 to 4.91-miles from the subject property. Comparables #1 and #2 were identified as "short sale." The parcels were similar in size to the subject property. Each was improved with a one-story or a two-story dwelling of frame construction. The homes range in size from 1,278 to 1,477 square feet of living area.

The dwellings were from 59 to "similar" in age to the subject. Features of the comparables include a cellar or a full unfinished basement, central air conditioning, a fireplace and a one-car or a two-car garage. One comparable also has a workshop with the garage. Three of the comparables sold from October 2008 to July 2009 for prices ranging from \$95,000 to \$97,500 or from \$66.90 to \$74.33 per square foot of living area, including land. The listing had an asking price of \$134,900 or \$91.33 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 \$105,500 to \$110,075 or from \$73.52 to \$82.82 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 \$105,000.

In reconciling the two approaches to value, the appraiser gave most weight to the sales comparison approach to value with support from the cost approach. The appraiser then estimated the subject property had a market value of \$105,000 as of October 16, 2009.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$35,000 approximately reflect the appraised value 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 total assessment of \$48,759 was disclosed. The subject's assessment reflects a market value of \$146,336 or \$92.85 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 its grid analysis, the board of review reported the subject's sale in November 2009 for \$90,000. The board of review also asserted "[t]he subject was a FNMA owned property at the time of sale."

In response to the appeal, the board of review also submitted a letter analyzing portions of the appellant's appraisal report and discussing the board of review's suggested sales. As to the appraisal, sale #1 was "a FNMA sale." Sale #2 in the report contains 1,288 square feet according to the assessor's records and does not have a basement. Lastly, the board of review pointed out that sale #3 was a one-story dwelling as compared to the subject's two-story design.

In support of the subject's assessment, the board of review submitted information on four comparable sales, two of which are located in close proximity to the subject and two of which are located ½-mile from the subject. The comparables have sites ranging in size from 7,032 to 19,137 square feet of land area. The parcels are improved with 1.5-story or two-story dwellings of

frame construction that range in size from 875 to 1,976 square feet of living area. The dwellings range in age from 64 to 120 years old. Features of the comparables include a partial unfinished basement and a garage ranging in size from 308 to 483 square feet of building area. One comparable also has a fireplace. The comparables sold from August 2008 to January 2010 for prices ranging from \$110,000 to \$175,000 or from \$83.84 to \$156.57 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 appellant's appraiser, the board of review's comparable sales would have adjusted sales prices ranging from \$118,200 to \$168,050 or from \$88.15 to \$192.06 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 Board further finds a reduction in the subject's assessment is warranted.

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); 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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given less weight to the appellant's suggested comparable sales in that there is no sales information for comparable #2 and the date of sale for comparable #3 in 2003 is too distant from the assessment date of January 1, 2010 to be a valid indicator of current estimated market value. The Board has also given less weight to appellant's comparable #1 as this dwelling is substantially smaller than the subject's dwelling size of approximately 1,576 square feet. The Board has also given less weight to board of review comparable #3 due to differences in location, design, age and size as compared to the subject dwelling. Reduced weight was also given to board of review comparable #3 due to its location as compared to the subject property and to board of review comparable #2 due to its larger dwelling size when compared to the subject.

The Board gave reduced weight to the subject's sale price due to the lack of supporting documentation and/or evidence regarding the terms of the transaction. In Section IV of the appeal petition, the appellant indicated he was "unsure" from whom the

property was purchased and "unsure" if there was an agent for the seller in the transaction. In addition, the appellant did not supply copies of the sales contract, RESPA statement, Real Estate Transfer Declaration and/or Settlement Statement as requested in Section IV of the appeal petition.

The Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant with support from the recent purchase price and board of review comparable #1. The appellant's appraiser developed the cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales utilized by the appraiser had varying degrees of similarities to the subject in location, size, style, exterior construction, features, age and/or land area with adjustments made for differences. These properties also sold or were listed proximate in time to the assessment date at issue. The appraised value and the subject's recent sale price along with the sale price of board of review comparable #1 are each below the estimated market value of the subject as reflected by its assessment of \$146,336 or \$92.85 per square foot of living area, including land.

Based on this record, the Property Tax Appeal Board finds a reduction in the subject's assessment is warranted in accordance with the appellant's request.

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.