



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

APPELLANT: David Bearden  
DOCKET NO.: 10-01433.001-R-1  
PARCEL NO.: 02-27-303-003

The parties of record before the Property Tax Appeal Board are David Bearden, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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:** \$52,300  
**IMPR:** \$81,140  
**TOTAL:** \$133,440

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of frame construction containing 3,881 square feet of living area. The dwelling is from one to five years old. Features of the home include an unfinished basement, central air conditioning, a fireplace, 3.5 bathrooms and a garage containing 1,156 square feet.

The appellant contends the subject's assessment is excessive based on a recent sale of the subject and comparable sales. The record disclosed the subject property was purchased on June 2, 2009 for a price of \$400,000. The appellant indicated on the petition the property was advertised for sale on the market for 5 days. The appellant submitted a copy of the settlement statement associated with the sale disclosing a purchase price of \$400,000.

The appellant submitted a market analysis containing information on three comparable properties described as two-story frame, or frame and masonry dwellings that range in age from new to one to five years old. The comparable dwellings range in size from 3,085 to 3,494 square feet of living area. Features include unfinished basements, and garages. Two of the properties were listed as having fireplaces. The comparables sold from April 2009 to December 2009 for prices ranging from \$294,990 to \$510,000 or from \$95.62 to \$145.96 per square foot of living

area, land included. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect a market value of \$387,830, which is approximately the average of the three comparable sales prices.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$186,036 was disclosed. The subject's assessment reflects a market value of \$557,662 using the three-year median level of assessment for Kane County of 33.36% for 2010.

The board of review submitted a proposed assessment for the subject property of \$166,650. The appellant was notified of this suggested agreement and given fifteen (15) days to respond if the offer was not acceptable. The appellant responded by the established deadline rejecting the board of review's proposal. No further evidence was submitted by the board of review.

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 appellant argued 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 (3<sup>rd</sup> 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.Adm.Code Sec. 1910.65 9(c)) The Property Tax Appeal Board finds that the appellant has met this burden of proof.

The Board finds the best evidence of the subject's fair market value is the June 2009 purchase for \$400,000. The Property Tax Appeal Board finds no evidence in the record to suggest the transfer was between related parties or that the sale price was not reflective of the subject's market. The property was advertised through the multiple listing service and, moreover, the board of review did not submit evidence contesting the arm's-length nature of the subject's sale.

The comparable sales submitted by the appellant have been given less weight due to differences in building size, land size, amenities, and location outside of the subject's subdivision.

Based on this analysis, the Property Tax Appeal Board finds the evidence contained in the record demonstrates the subject property is overvalued and a reduction is warranted. Since fair market value has been established, Kane County's 2010 three-year medial level of assessments of 33.36% shall apply.

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.