



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

APPELLANT: Christopher & Christy Schultz  
DOCKET NO.: 10-01465.001-R-1  
PARCEL NO.: 04-17-395-002

The parties of record before the Property Tax Appeal Board are Christopher & Christy Schultz, 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:** \$29,000  
**IMPR.:** \$159,552  
**TOTAL:** \$188,552

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single-family dwelling of frame and masonry construction containing approximately 4,360 square feet of living area. The dwelling was constructed in 2002. Features of the home include a finished basement, central air conditioning, four fireplaces<sup>1</sup> and two, three-car garages with a total of 1,759 square feet of building area. The property has a 50,223 square foot site and is located in Millbrook, Fox Township, Kendall County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants completed Section IV - Recent Sale Data, provided three comparable sales in the Section V grid analysis and relied upon a cover page along with page one of an appraisal report of the subject property. In addition, the appellants submitted a two-page letter further outlining their contentions.

In the letter, the appellants contend that the subject property prior to purchase sat vacant for over two years and was "not maintained very well" since its construction. Renovations after the appellants purchased the property included flooring, drywall, paint, mold removal and other things "in almost all areas of the

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<sup>1</sup> The appellants report four fireplaces whereas the assessing officials report two fireplaces.

house due to lack of upkeep and damage." The appellants further contend that the subject dwelling is the largest home in the subdivision, Estates of Millbrook. Next, in the letter the appellants address comparing the 2009 billed taxes and the 2010 assessments of the subject and five other homes in the court. From this analysis, the appellants assert the average assessment is \$120,634 with an average tax bill of \$7,662. This compares to the subject's assessment (in 2010 after board of review action) of \$188,552 and 2009 taxes of \$12,645.<sup>2</sup>

The appellants indicated on the appeal form that the subject property was purchased in March 2009 for a price of \$512,000. The appellants indicated the subject property was sold by the owner, Richard Mora, the property was sold using Coldwell Banker Primus Realty after having been advertised on the open market with using the Multiple Listing Service for a period of 2 ½ years. The parties to the transaction were not related and the appellants expended approximately \$50,000 in renovations before occupying the property in May 2009.

The appellants also submitted information in the Section V grid analysis on three comparable properties, one with sales data and two with listing information. In their letter, the appellants also discussed the 2009 taxes billed for each of these properties.<sup>3</sup> The comparables are located within the subject's subdivision and have parcels of more than one-acre of land area. The parcels are improved with two-story dwellings of masonry or frame and masonry construction that range in size from 3,269 to 3,933 square feet of living area. The dwellings are 5 or 7 years old. Features of the comparables include a full finished basement, central air conditioning, at least one or two fireplaces and a three-car or a four-car garage. One comparable also has a swimming pool. Comparable #1 sold in July 2006 for \$664,209 or \$173.29 per square foot of living area, including land. Comparables #2 and #3 have listing prices of \$479,900 and \$629,900, respectively, or \$122.02 and \$192.69 per square foot of living area, including land, respectively.

In further support of the overvaluation argument, the appellants relied upon an appraisal of the subject property with an estimated market value of \$530,000 or \$121.56 per square foot of living area, including land, as of February 10, 2009. As noted previously, this is not a complete appraisal report, but consists

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<sup>2</sup> The Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation. (86 Ill.Admin.Code §1910.10(f)).

<sup>3</sup> The appellants also included a printout of "all properties within the court where the subject property is located" identifying the parcel number, "2010 assessment" and name of the owner(s) along with attached sheets for four of the properties that provide additional descriptive information. Since the appellants did not indicate that assessment equity/lack of uniformity in assessments was one of the bases of this appeal, this additional assessment data without recent sales information will not be analyzed further.

only of a cover sheet and page one summary of the value opinion.<sup>4</sup> In their letter, the appellants contend the subject's fair market value should be slightly lower than the appraisal "considering this was over a year ago and the down-slope trend of the home values in the current market."

Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$166,666 so as to reflect a market value of approximately \$500,000 or \$114.68 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 \$188,552 was disclosed. The subject's assessment reflects a market value of \$565,882 or \$129.79 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.

The board of review presented information a letter outlining a response to the appeal including submission of the comparable sales grid from the appellants' appraisal depicting three sales, two of which were of one-story homes. Based on this data, the board of review contends these properties are dissimilar to the subject home.

In support of the subject's estimated market value based on its assessment, the board of review presented a grid analysis of four comparable sales. In this analysis, the board of review reported the subject dwelling contains 4,810 square feet of living area, although this assertion was corrected with subsequent correspondence to be discussed below. The comparables are located from 1/3 of a mile to 10 miles from the subject property with only comparable #2 being in the subject's subdivision. The parcels range in size from 33,568 to 81,288 square feet of land area. The lots are improved with two-story dwellings of frame and masonry construction that range in size from 3,146 to 5,294 square feet of living area. The dwellings range in age from 4 to 13 years old. Features of the comparables include a basement, central air conditioning, one or two fireplaces and a garage ranging in size from 690 to 1,928 square feet of building area. These comparables sold from August 2008 to August 2010 for prices ranging from \$415,000 to \$545,000 or from \$102.95 to \$147.58 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 \$505,410 to \$593,365.

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<sup>4</sup> In order to rely upon an appraisal, a complete copy of the entire report with all portions of the appraiser's analysis and adjustment process used in arriving at an estimated value conclusion should be submitted.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, the appellants presented a three-page letter and noted that the comparable sales in their appraisal report were not the properties relied upon by the appellants for purposes of this appeal. In addition, the appellants contend that the appraisal was not intended to be the sole support for evidence in this appeal. Noting the differences in the subject community of Millbrook as compared to Yorkville and other surrounding areas such as Plano, the appellants contend that only board of review comparable #2 is a reasonable comparison to the subject dwelling in terms of location. In closing, the appellants contend that their tax bill that is about \$5,000 more than any neighbor is hard to understand.

In reply to the appellants' rebuttal, the board of review noted that the reason it submitted the comparable sales in the appraisal report was to allow the Property Tax Appeal Board to "see what the appraiser used for comps to determine the final value." In addition, the board of review reported an error in its dwelling size of the subject property which actually contains 4,360 square feet of living area, not 4,810 square feet as originally reported. This new calculation excludes a 450 square foot bonus room that should not be assessed as living area.

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 appellants 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 only the value opinion prepared by an appraiser as of February 2009 for \$530,000 or \$121.56 per square foot of living area, including land, without submitting the entire report for analysis as to the appraiser's methodology and conclusions. Thus, the appraised value has been given reduced weight in the Board's analysis as the submission was incomplete as presented by the appellants.

Next, the appellants presented the subject's March 2009 purchase price of \$512,000 and further reported expending about \$50,000 in renovations to the property after the purchase. Thus, based on

this evidence, the appellants have invested a total of \$562,000 in the subject property as of the assessment date at issue of January 1, 2010.

In further support of the overvaluation argument, the appellants submitted one sale and two listings of properties located in close proximity to the subject. The Board has given less weight to appellant's comparable #1 as its sale occurred in July 2006 which is too distant in time to the assessment date of January 1, 2010 to be a valid indicator in estimating the subject's market value.

The board of review submitted four sales to support its assessment of the subject property. The Board has given less weight to board of review comparables #1, #3 and #4 due to their lack of proximity to the subject property.

The Property Tax Appeal Board finds on this record the appellants' comparables #2 and #3 and board of review comparable #2 are most similar to the subject in location, size, style, exterior construction, features, age and/or land area. These properties also sold or were listed 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 or had asking prices ranging from \$464,300 to \$629,900 or from \$122.02 to \$192.69 per square foot of living area, including land. The subject's assessment reflects a market value of \$565,882 or \$129.79 per square foot of living area, including land, which is within the range established by the best comparable sales and listings in this record both in terms of overall value and on a per-square-foot basis. In addition, the subject's purchase price plus renovation expenses appear to further support the subject's estimated market value based on its assessment.

In conclusion, 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.