



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

APPELLANT: L. B. Anderson & Company, Inc.  
DOCKET NO.: 10-01470.001-F-1 through 10-01470.006-F-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are L. B. Anderson & Company, Inc., the appellant, by attorney Terrence J. Griffin of Eugene L. Griffin & Associates, Ltd., in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction<sup>1</sup> 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:

DOCKET NUMBER	PARCEL NUMBER	FARM LAND	LAND/LOT	RESIDENCE	OUT BLDGS	TOTAL
10-01470.001-F-1	02-17-300-006	2,959	0	0	0	\$ 2,959
10-01470.002-F-1	02-17-300-007	1,779	0	0	0	\$ 1,779
10-01470.003-F-1	02-18-100-004	8,632	0	0	22,641	\$ 31,273
10-01470.004-F-1	02-18-400-005	2,635	0	0	0	\$ 2,635
10-01470.005-F-1	02-18-400-007	3,088	0	0	0	\$ 3,088
10-01470.006-F-1	02-18-400-008	6,368	22,727	38,989	20,000	\$ 88,084

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of six parcels. Parcel number 02-18-400-008 consists of a .51-acre homesite that is improved with a one-story dwelling of brick exterior construction containing approximately 1,736 square feet of living area which the appellant has challenged as being overvalued. Parcel number 02-18-400-008 also consists of farmland and a farm building which assessments are not disputed. The subject dwelling was constructed in 1955 and features of the home include a full unfinished basement,<sup>2</sup> a fireplace and a two-car garage. The property is located in Hampshire, Rutland Township, Kane County.

<sup>1</sup> The only reduction and the only parcel wherein the appellant contested the assessment was parcel number 02-18-400-008.

<sup>2</sup> The assessing officials report a full finished recreation room in the subject's basement, but provided no property record card or other substantive evidence to support this contention whereas the appellant provided an appraisal wherein the appraiser reported an unfinished basement.

The appellant's appeal of the parcel with the homesite and dwelling is based on overvaluation. In support of this argument, the appellant submitted an appraisal estimating the subject parcel 02-18-400-008 had a hypothetical market value of \$185,000 as of January 1, 2010. The appraisal was prepared by Ronald Chapman, a State of Illinois Certified Real Estate Appraiser. The appraiser wrote as part of the Assumptions, Limiting Conditions and Scope of Work:

This is a Hypothetical Appraisal that assumes that the property described herein which is part of a larger parcel, could be separated from the larger parcel and conform to applicable ordinances for a property situated in a rural agricultural district. This would include, among others, zoning and health department regulations. Nothing in the report should be constructed that the hypothetical condition is feasible.

For purposes of this appraisal to evaluate the property for a tax appeal, the appraiser described the subject parcel as consisting of ± 1-acre along with the subject dwelling. As to the subject dwelling, the appraiser reported the dwelling was in below average marketable condition as it was dated and in need of a new roof. Additionally, while the windows of the home appeared to be newer, the seal of the large picture window may be broken. The kitchen cabinets were an older Formica style and a fiberglass tub in the bathroom was heavily stained. While the basement floor was reported to be damp, the cause was said by the owner to be from a defective washing machine. In summary, the appraiser noted the home did not appear to meet the level of maintenance and upkeep typically found in homes in the area.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. The appraiser set forth three suggested comparables located from 3.3 to 5.5-miles from the subject, but in Hampshire. The parcels range in size from .79 to 1.23-acres of land area and are improved with one-story dwellings of brick exterior construction. The homes range in age from 19 to 42 years old and range in size from 1,529 to 2,223 square feet of living area. The comparables have full or partial basements, one of which has a bath. Two of the comparables have central air conditioning and each has a two-car or a three-car garage. Two of the comparables have one and two fireplaces, respectively. The comparables sold from October 2009 to June 2010 for purchase prices ranging from \$207,500 to \$223,500 or from \$93.34 to \$137.34 per square foot of living area, including land.

The appraiser made adjustments to the comparables for differences in lot size, view, quality of construction, condition, room count, living area square footage, basement size and/or basement finish along with differences in other amenities from the subject. After this analysis, the appraiser concluded adjusted sale prices for the comparables ranging from \$166,864 to \$204,308

or from \$75.06 to \$120.86 per square foot of living area, including land. Noting that each of the comparables was in superior condition to the subject with comparable #3 being in well superior condition, the appraiser then concluded an estimated fair market value of the subject of \$185,000.

Based on this evidence and the appellant's contention that the homesite is actually .51 of an acre, the appellant requested a further reduction in the subject's improvement assessment so that the homesite and improvement assessment combined would reflect a total assessment of \$39,831.<sup>3</sup>

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment was disclosed. The total assessment for parcel number 02-18-400-008 of \$98,635 reflects a farmland assessment of \$6,368, a homesite assessment of \$22,727, an improvement (residence) assessment of \$49,540 and an outbuilding assessment of \$20,000. The subject's combined homesite and improvement assessments reflect a market value of \$216,628 when applying the 2010 three year average median level of assessment for Kane County of 33.36% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted a grid analysis with information on six equity comparables. This assessment equity data fails to address the appellant's market value evidence and argument. Thus, the assessment data will not be further addressed on this record. However, within this grid analysis, the board of review also included information on two comparable sales, #4 and #5. Since this evidence is responsive to the appeal, this sales data will be analyzed.

The two comparable sales are parcels of 5.21 and 8-acres, respectively. These parcels are improved with one-story and 1.5-story dwellings of frame construction. These homes contain 1,671 and 2,352 square feet of living area, respectively, and the homes were built in 1947 and 1972. Features include unfinished basements, central air conditioning, a fireplace and a garage. Comparable #4 also has a 2,880 square foot barn, three sheds and a silo. Comparable #5 has two wooden sheds. These two comparables are located in Hampshire and Huntley, respectively. The comparables sold in October and November 2008 for prices of \$292,000 and \$400,000 or for \$124.15 and \$239.38 per square foot of living area, including land. The assessor reported no other improvements for the subject parcel 02-18-400-008.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

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<sup>3</sup> Counsel for the appellant accepted the homesite assessment of \$22,727 for the homesite area of 22,215.6 square feet of land area; applying this valuation to an acre of land resulting in a value of \$44,563, appellant's counsel deducted this one-acre land value from a total assessment request of \$61,667 resulting in an improvement assessment request of \$17,104.

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

The Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant. The appellant's appraiser developed the sales comparison approach to value and utilized sales that were similar to the subject in location, size, style, exterior construction, features and homesite land area. These properties also sold proximate in time to the assessment date at issue. The appraised value of \$185,000 for the homesite and dwelling is below the market value reflected by the assessment for the homesite and dwelling of \$216,628.

Less weight was given the two comparable sales presented by the board of review due to differences from the subject in land area and additional structures. In addition the dates of sale from October and November 2008 are not as proximate in time to the assessment date at issue of January 1, 2010 as the sales data presented in the appellant's appraisal.

Based on this record the Board finds the subject property consisting of the homesite and dwelling had a market value of \$185,000 as of January 1, 2010. Since market value has been determined for the homesite and dwelling, the 2010 three year average median level of assessment for Kane County of 33.36% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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 18, 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.