



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

APPELLANT: David & Deborah Chroust  
DOCKET NO.: 10-01477.001-R-1  
PARCEL NO.: 02-03-486-004

The parties of record before the Property Tax Appeal Board are David & Deborah Chroust, the appellants; 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:** \$18,801  
**IMPR.:** \$44,174  
**TOTAL:** \$62,975

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of frame construction containing 2,128 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full unfinished basement, central air conditioning and a 418 square foot two-car garage. The property has a 10,057 square foot site and is located in Bristol Township, Kendall County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased on October 15, 2010 for \$189,000 or \$88.82 per square foot of living area including land. The appellants also completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with a sign and through the Multiple Listing Service for five months. In further support of the transaction, the appellants submitted a copy of the Multiple Listing Service listing sheet and a deed. The subject's original offering price was \$229,000, which was reduced on three occasions to \$195,000. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect its purchase price.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$77,685 was disclosed. The subject's assessment reflects a market value of \$233,148 or \$109.56 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 information on four comparable sales that are improved with two-story dwellings of frame construction that range in size from 2,111 to 2,437 square feet of living area. The dwellings were constructed from 2005 to 2007. Each comparable was located in the same subdivision as the subject property. Features of the comparables include unfinished basements, central air conditioning and garages that range in size from 448 to 520 square feet. The comparables sold from April 2009 to March 2010 for prices ranging from \$200,000 to \$240,000 or from \$87.34 to \$104.80 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 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 have met this burden of proof and a reduction in the subject's assessment is warranted.

Except in counties with more than 200,000 inhabitants that classify property, real property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of

Chicago, 37 Ill.2d 158 (1967). Furthermore, the sale of a property during the tax year in question is a relevant factor in considering the validity of the assessment. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369, 375 (1<sup>st</sup> Dist. 1983). The Board finds the best evidence of market value to be the purchase of the subject property in October 2010 for a price of \$189,000. The appellants provided evidence demonstrating the subject's sale had the elements of an arm's-length transaction. The Board finds the purchase price is below the subject's estimated market value as reflected by its assessment. The Board finds the board of review did not present any evidence to challenge the arm's-length nature of the subject's transaction.

The Board further finds the comparables sales submitted by the board of review, though relevant, do not overcome the subject's actual arm's-length sale price. Additionally, the comparables submitted by the board of review sold for prices ranging from \$87.34 to \$104.80 per square foot of living area including land, which lends support to the subject's sales price of \$88.82 per square foot of living area including land.

Based on this record, the Board finds the subject property had a market value of \$189,000 as of January 1, 2010. Since market value has been determined, the 2010 three-year average median level of assessment for Kendall County of 33.32% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)/(2)).

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.

*Ronald R. Cuit*

Chairman

*Frank J. Huff*

Member

*Mark Morris*

Member

*JR*

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: May 24, 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.