



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

APPELLANT: Judy Brooks  
DOCKET NO.: 10-01592.001-R-1  
PARCEL NO.: 03-04-151-006

The parties of record before the Property Tax Appeal Board are Judy Brooks, 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:** \$16,075  
**IMPR.:** \$37,925  
**TOTAL:** \$54,000

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a tri-level single family dwelling of frame and brick construction that contains 1,288 square feet of living area.<sup>1</sup> The dwelling was constructed in 1963 and is approximately 47 years old. Features of the home include a finished lower level, central air conditioning and a one-car attached garage. The subject property has 10,800 square feet of land area and is located in Montgomery, Oswego Township, Kendall County.

The appellant filed the appeal contending overvaluation based on a recent appraisal and comparable sales. The appraisal was prepared by Anthony E. Hansen a State of Illinois Certified Residential Real Estate Appraiser. Hansen estimated the subject property had a market value of \$162,000 as of December 31, 2009. The appraiser indicated within the report that the intended use of the appraisal was for a tax appeal and the property rights appraised were the fee simple interest. The appraiser also indicated the highest and best use of the subject property was its present use. In the addendum of the report, the appraiser stated the subject's interior and exterior are best described as

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<sup>1</sup> The style of the subject dwelling was variously described as being a raised ranch, split-level and a tri-level dwelling.

being in fair to average condition. He noted the kitchen and bathroom finishes are dated and floor coverings are acutely worn. He also noted the heating and air conditioning are estimated to be approximately 20 years old. He further stated the subject property suffers from a significant degree of external obsolescence as it rears heavy traffic and noise from Route 30, a four-lane divided highway. The appraiser included an aerial photograph depicting the subject property's location along and adjacent to Route 30.

In estimating the market value of the subject property the appraiser developed the sales comparison approach to value. The appraiser selected four comparable sales composed of two raised-ranch style dwellings, one ranch style dwelling and one split-level dwelling that ranged in size from 1,150 to 1,628 square feet of living area. The dwellings were of frame or brick and frame construction and ranged in age from 35 to 45 years old. Each comparable has a lower level or basement that is finished in some fashion. Each of the comparables also has central air conditioning and a one or two-car garage. The comparables had lots that ranged in size from 10,000 to 13,024 square feet of land area and are located in Montgomery. The sales occurred from March 2009 to October 2009 for prices ranging from \$145,000 to \$200,000 or from \$89.07 to \$160.38 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject property for such items as location, room count, size, basement size, garage size and modernization/updates. The appraiser concluded the comparables had adjusted sales prices ranging from \$133,275 to \$190,000. Based on this analysis the appraiser estimated the subject property had a market value of \$162,000.

The appellant also submitted information on three additional comparables improved with two, one-story dwellings and one, bi-level/split-level dwelling that ranged in size from 1,260 to 1,568 square feet of living area. One comparable had an unfinished basement, one comparable had a partially finished basement and one comparable had a finished lower level. Each comparable had central air conditioning, two comparables had a fireplace and each comparable had a one-car or a two-car garage. These comparables sold from June 2009 to December 2009 for prices ranging from \$116,900 to \$164,900 or from \$74.55 to \$130.87 per square foot of living area, including land.

Based on this evidence the appellant requested the subject's assessment be reduced to \$54,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$67,694 was disclosed. The subject's assessment reflects a market value of \$203,163 or \$157.74 per square foot of living area, including land, when using the 2010 three year average median level of assessments for Kendall County of 33.32%.

In support of his contention of the correct assessment, the board of review submitted information on four comparable sales described as being improved with three, tri-level dwellings and one raised-ranch style dwelling. Board of review comparable sale #4 was the same property as appraisal comparable sale #3. The comparables ranged in size from 983 to 1,257 square feet of living area. Each dwelling was of frame construction and ranged in age from 36 to 53 years old. Each comparable had a basement or lower level that was finished, central air conditioning, and a garage ranging in size from 288 to 616 square feet of building area. One comparable also had a fireplace. The comparables had lots ranging in size from 9,296 to 15,071 square feet of land area and are located in Montgomery. The sales occurred from March 2009 to May 2010 for prices ranging from \$162,500 to \$200,000 or from \$135.16 to \$165.31 per square foot of living area, including land. Based on this data the board of review stated it was willing to stipulate to a revised assessment of \$62,669.

The appellant was notified of the board of review's proposed stipulation and rejected the offer. The appellant was of the opinion the board of review comparables were in superior condition and location compared to the subject property. The appellant provided copies of the MLS data sheets for board of review comparables #2 through #4 which noted these properties had been updated or rehabbed, whereas the subject has not been updated. She also provided an expired listing for board of review comparable #1 which also indicated this property had been recently rehabbed. The MLS information indicated comparable #1 was originally listed for sale on November 7, 2008 for a price of \$174,900. The appellant also submitted copies of MLS sheets for board of review comparable sales #3 and #4 disclosing each had previously sold, prior to being rehabbed, in January 2010 and January 2009 for prices of \$95,000 and \$103,000, respectively. After being rehabilitated, these two comparables sold in May 2010 and September 2009 for prices of \$169,900 and \$200,000, respectively. Based on this response the appellant requested the assessment be reduced to reflect the appraised value.

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 the appeal. The Board further finds a reduction in the subject's assessment is supported by the evidence in the record.

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). 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 in the record is the appraisal of the subject property submitted by the appellant. The appellant's appraiser estimated the subject property had a market value of \$162,000 as of December 31, 2009. In estimating the market value of the subject property the appellant's appraiser utilized the sales comparison approach. The appraiser made adjustments to the comparables to account for differences from the subject property. Additionally, the appraiser also considered the subject's condition and location along Route 30 and its negative impact in developing his opinion of market value. The Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the sales within the report.

The Board finds the appraised value is also supported by the raw sales in the record submitted by the board of review. The comparables submitted by the board of review sold for prices ranging from \$162,500 to \$200,000. However, the board of review made no adjustments to these comparables for condition and location. The appellant provided the MLS data sheets on the board of review comparables disclosing these comparables had been rehabilitated whereas the subject property had not been rehabilitated. The Board finds the appraiser's estimate of value of \$162,000 is supported by the raw sales presented by the board of review after considering their purported superior condition due to rehabilitation.

Based on this record the Board finds a reduction to the subject's assessment commensurate with the appellant's request is 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

*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: June 22, 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.