



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

APPELLANT: Kevin & Diane Skogsberg
DOCKET NO.: 10-01662.001-R-1
PARCEL NO.: 14-10-154-007

The parties of record before the Property Tax Appeal Board are Kevin and Diane Skogsberg, the appellant, by attorney Randall C. Talley of Hallock & Talley, Rockford, Illinois; 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: \$68,135
IMPR: \$132,025
TOTAL: \$200,160**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story single family dwelling of brick exterior construction that contains 4,260 square feet of living area. The dwelling was approximately 9 years old. Features of the home included a full unfinished basement, central air conditioning, one fireplace and a three-car attached garage. The subject property has a 1.88 acre site and is located in Sugar Grove, Sugar Grove Township, Kane County.

The appellant and his counsel appeared before the Property Tax Appeal Board challenging the assessment for the 2010 tax year on the basis of overvaluation. In support of this argument the appellant submitted an appraisal of the subject property prepared by real estate appraiser Darren Meyer. The appraisal was marked as Taxpayer's Exhibit #1. Meyer estimated the subject property had a market value of \$600,000 as of January 1, 2010. Meyer was called as a witness on behalf of the appellant.

Meyer testified that he is a state certified appraiser. The appraiser testified his area of practice is residential appraising in the greater Chicago-land area, which includes Kane County. He has been appraising property since 1999. Meyer

testified his assignment was to complete an appraisal based on market value with an effective date of January 1, 2010. Meyer inspected the subject property on September 27, 2010.

In estimating the market value of the subject property the appraiser developed the sales comparison approach using five comparable sales located in Oswego, Batavia, Sugar Grove and Yorkville. The report indicated the comparables were located from .92 to 10.68 miles from the subject property and included a map depicting the location of the subject property and the comparables. Meyer explained the comparables were selected based on age, similar land area and similar market appeal as the subject property. He also indicated there were no sales of property in the subject's subdivision within the relevant time period. He further explained that adjustments were made based on a match paired sales analysis.

The comparables were improved one 1-story dwelling and four 2-story homes that ranged in size from 3,100 to 4,663 square feet of living area. The dwellings ranged in age from 7 to 19 years old and had a mixture of exterior construction such as wooden, brick and a combination of a brick, stone and cedar. Each comparable had a basement with four being finished. Each of the comparables also had central air conditioning; one, two or three fireplaces; and an attached three-car garage. The comparables sold from March 2009 to November 2009 for prices ranging from \$525,000 to \$750,000 or from \$131.89 to \$197.99 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser arrived at adjusted prices ranging from \$584,650 to \$700,400. He noted that four comparables had an adjusted range from \$584,650 to \$607,000 or near \$600,000. He also noted that his sale #3 was located in Sugar Grove. Based on these sales the appraiser estimated the subject property had a market value of \$600,000.

The appraiser testified that points that detract from the value of the subject property include the fact that the home has only three bedrooms, which is low considering the dwelling's size; the fact that the property is the first house in the subdivision and expose to traffic entering and exiting the subdivision; and the fact the home has an unfinished basement. The witness further testified that trends in the market showed declines in prices from 2007 to 2010. He explained this was based on his review of all sales in Sugar Grove during this time period. He further testified he would not use sales that occurred in 2007 in estimating the market value as of the effective date of his report.

Under cross-examination the appraiser was questioned about the marketing times for the subject's area and the areas where the comparables sales were located; the times on the market for the comparable sales; location of the comparable sales; school districts associated with the comparable sales; and the style of the comparable sales. It was also pointed out his adjustment for construction for comparable #4 was in error.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property totaling \$246,858 was disclosed. The subject's assessment reflects a market value of \$739,982 or \$173.70 per square foot of living area, including land, using the 2010 three year average median level of assessments for Kane County of 33.36%.

In support of the assessment the board of review submitted four comparables sales improved with two 1-story dwellings and two 1½-story dwellings that ranged in size from 2,764 to 3,691 square feet of living area. The dwellings were constructed from 1993 to 2007 and had sites ranging in size from 15,682 to 50,530 square feet of land area. Each comparable had a basement, central air conditioning, one fireplace and a garage that ranged in size from 774 to 900 square feet of building area. The sales occurred from March 2007 to June 2009 for prices ranging \$460,000 to \$810,000 or from \$166.43 to \$233.07 per square foot of living area, including land.

The board of review called as its witness Laura Ross, Sugar Grove Township Assessor. She was of the opinion that location of a comparable is very important to an assessor. She also was of the opinion that using a similar style home as a comparable is very important. She was of the opinion that location is more important than time of sale and style is more important than the location.

After hearing the testimony 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 the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. Except in counties with more than 200,000 inhabitants that classify property, 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). 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 (3rd 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 this record was presented by the appellant. The appellant presented as his witness real estate appraiser Darren Meyer who had prepared an appraisal of the subject property. Meyer estimated the subject property had a market value of \$600,000 as of January 1, 2010. In estimating the market value of the subject property the appraiser used five sales that had varying degrees of similarity to the subject property. The Board recognizes that only one comparable was located in Sugar Grove and only one comparable was improved with a similar styled home as the subject property. The Board finds that the appellant's expert provided credible testimony with respect to his selection and use of the various comparables and the adjustment process used to equate the sales to the subject property. The one-story comparable was smaller than the subject dwelling, had a smaller site than the subject property and had a full finished basement. This property sold in July 2009 for a price of \$530,000 and had an adjusted price, after making the correction for its brick construction, of \$587,000. The Board finds this sale supports the appraiser's estimate of value of \$600,000 as of the assessment date at issue.

The Board gave less weight to the sales provided by the board of review in that three occurred from March 2007 to November 2008, not as proximate in time to the assessment date at issue as were the comparables used in the appellant's appraisal. Additionally, although the board of review questioned the appellant's appraiser about the style of the comparable homes he selected, two of the four sales submitted by the board of review differed from the subject in style. The board of review did submit a sale of a one-story dwelling that was newer than the subject dwelling, being constructed in 2007, and smaller than the subject dwelling. This comparable also had a smaller site with 15,682 square feet of land area. This comparable sold in June 2009 for an unadjusted price of \$460,000 or \$166.43 per square foot of living area, including land. The subject's assessment reflects a market value of \$739,982 or \$173.70 per square foot of living area, including land, which is above the price of this comparable on a square foot basis. The Board finds this comparable sale lends support to the appellant's overvaluation argument and to the appraiser's conclusion of value.

Based on this record the Property Tax Appeal Board finds the subject property had a market value of \$600,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessments 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: July 19, 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.