



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

APPELLANT: Susan & Gregory Grabacki  
DOCKET NO.: 10-01724.001-R-1  
PARCEL NO.: 03-16-202-002

The parties of record before the Property Tax Appeal Board are Susan and Gregory Grabacki, the appellants, by attorney Laura Godek of Laura Moore Godek, PC, McHenry; 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: \$132,944  
IMPR: \$82,228  
TOTAL: \$215,172**

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of brick and cedar exterior construction containing approximately 3,679 square feet of living area.<sup>1</sup> The dwelling was constructed in 1997 and is approximately 13 years old. Features of the home include a partial basement that was partially finished, central air conditioning, three fireplaces, a three-car garage and an in-ground swimming pool. The property has a 2.45 acre or 106,722 square foot site and is located in Carpentersville, Dundee Township, Kane County.

The appellants contend overvaluation based on comparable sales and two appraisals. In support of this argument the appellants submitted information on seventeen comparable sales described as being improved with one, one-story dwelling and sixteen two-story dwellings that range in size from 2,240 to 3,834 square feet of living area. The dwellings range in age from 4 to 24 years old.

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<sup>1</sup> The appellants indicated on the appeal form that subject property had 3,284 square feet of living area but submitted no evidence as to how they calculated the subject's size. The appellants submitted two appraisals that indicated the subject dwelling had 3,764 and 3,679 square feet of living area, respectively. Both appraisals had schematic diagrams of the dwelling. The board of review indicated the subject dwelling had 3,653 square feet based on the subject's property record card but submitted no diagram or calculations as to how the size was calculated. Based on this record the Board finds the size of the dwelling to be 3,679 square feet of living area.

The comparables were located from .3 to 4.5 miles from the subject property. Each comparable has a basement with eleven described as having finished area, central air conditioning and one or two fireplaces. Two comparables have a two-car garage and fifteen comparables have a three-car garage. The comparables have sites ranging in size from 10,119 to 32,670 square feet of land area. The comparables sold from February 2009 to October 2010 for prices ranging from \$253,900 to \$395,000 or from \$92.40 to \$128.50 per square foot of living area, including land.

In further support of their overvaluation argument the appellants submitted an appraisal estimating the subject property had a market value of \$600,000 as of January 1, 2010. The appraisal was prepared by Elyce M. Meador, a State of Illinois certified real estate appraiser. In estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

Under the cost approach the appraiser estimated the subject had a site value of \$200,000. The appraiser estimated the replacement cost new of the improvements to be \$548,925. The appraiser estimated physical depreciation to be \$50,666 resulting in a depreciated improvement value of \$498,259. The appraiser also estimated the site improvements had an "as-is" value of \$5,000. Adding the various components, the appraiser estimated the subject property had an indicated market value under the cost approach to value of \$703,259.

Using the sales comparison approach the appraiser provided information on five comparable sales described as two-story dwellings that ranged in size from 2,472 to 4,677 square feet of living area. The dwellings ranged in age from 2 to 36 years old. Each of the comparables had a basement with two being finished. Each comparable had central air conditioning, one to three fireplaces and a 2, 3 or 4-car garage. One comparable had an in-ground swimming pool. The comparables have sites ranging in size from .32 to 1.74 acres of land area and were located from .47 to 10.49 miles from the subject property. The comparables sold from May 2009 to December 2009 for prices ranging from \$425,000 to \$605,000 or from \$111.40 to \$199.84 per square foot of living area, including land. After making adjustments to the comparables for time and differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$579,776 to \$615,561. Based on this data the appraiser estimated the subject had an indicated value under the sales comparison approach of \$600,000.

In reconciling the two approaches to value the appraiser estimated the subject property had a market value of \$600,000 as of January 1, 2010.

The appellants submitted a second appraisal estimating the subject property had a market value of \$645,000 as of October 18, 2010. The appraisal was prepared by John Oleszczuk, a state certified appraiser. In estimating the market value of the

subject property the appraiser developed the cost approach and the sales comparison approach to value.

Under the cost approach the appraiser estimated the subject had a site value of \$155,000. The appraiser estimated the reproduction cost new of the improvements to be \$723,295. The appraiser estimated physical depreciation to be \$63,288 resulting in a depreciated improvement value of \$660,007. The appraiser also estimated the site improvements had a value of \$25,000. Adding the various components, the appraiser estimated the subject property had an market value under the cost approach to value of \$840,007.

Using the sales comparison approach the appraiser provided information on four comparable sales and two listings described as two-story dwellings that ranged in size from 3,400 to 4,885 square feet of living area. The dwellings were constructed from 1997 to 2006. Each of the comparables has a basement with four being finished. Each comparable has central air conditioning, one to three fireplaces and a 3-car garage. One comparable had an in-ground swimming pool. The comparables have sites ranging in size from .30 to 2.80 acres and were located from .10 to 8.09 miles from the subject property. Four of the comparables sold from March 2010 to July 2010 for prices ranging from \$610,000 to \$711,000 or from \$145.55 to \$179.41 per square foot of living area, including land. The two listings had prices of \$579,000 and \$819,000 or \$167.83 and \$227.31 per square foot of living area, including land, respectively. After making adjustments to the comparables for time and differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$604,950 to \$832,990. Based on this data the appraiser estimated the subject had an indicated value under the sales comparison approach of \$645,000.

The appraiser gave most credence to the sales comparison approach and estimated the subject property had a market value of \$645,000 as of October 18, 2010.

Based on this evidence, the appellants requested a reduction to the subject's assessment to \$197,113.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$258,308 was disclosed. The subject's assessment reflects a market value of \$774,305 or \$210.47 per square foot of living area, including land, 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 its contention of the correct assessment of the subject property the board of review submitted information on seven comparable sales identified by the township assessor. The comparable sales are improved with two-story dwellings that ranged in size from 2,472 to 4,317 square feet of living area. The dwellings were constructed from 1988 to 2008. Each

comparable has a basement with three being finished, central air conditioning, one or two fireplaces and a garage ranging in size from 720 to 1,080 square feet of building area. One comparable also has an in-ground swimming pool. The comparables have sites ranging in size from approximately 13,939 to 60,984 square feet or from .32 to 1.4 acres. Three comparables were located in the same subdivision as the subject while three were located from .83 to 4.98 miles from the subject property. The comparables sold from September 2007 to August 2009 for prices ranging from \$494,000 to \$797,389 or from \$165.78 to \$199.84 per square foot of living area, including land.

In rebuttal the township assessor stated the subject's size as determined by the assessor was based on blueprints and on-site measurements. The assessor further argued that the comparables submitted by the appellants were inferior tract homes. In the grid analysis of the appellants' comparables the assessor reported different sizes for comparables #3, #6, #7 and #12. The assessor further stated only three comparables contained in the appellants' appraisals were located in Dundee Township.

Based on this evidence, the board of review requested confirmation of the assessment.

In rebuttal the appellants asserted assessor comparable #1 was younger than the subject dwelling and described as "New Under Construction" at the time of sale. The appellants also indicated this property sold for \$779,770 after deducting personal property identified on the Real Estate Transfer Declaration. The appellants asserted assessor comparable sale #2 has a walk-out basement and 3.5 bathrooms; comparable #3 was located adjacent to a forest preserve, had a gourmet kitchen and the price supported a reduction in the subject's assessment; sale #4 sold closest to the assessment date at issue; sale #5 occurred two years and one month prior to the assessment date; comparable #6 was new construction at the time of sale; and comparable #7 is located next to a bird sanctuary, is 4.6 miles from the subject property and has 4.5 bathrooms. The appellants also submitted "Exhibit #1 in which the township assessor indicated the subject had 3,284 square feet of living area. The appellants also commented that six of the seven sales provided by the assessor were more remote in time from the assessment date than the sales provided by the appellants.

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

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

The appellants submitted two appraisals and information on 17 comparable sales in support of their overvaluation argument. The board of review submitted information on seven sales in support of its contention of the correct assessment. The Board finds six of the seven comparable sales submitted by the board of review sold in 2007 and 2008. The Board gave these sales less weight due to the fact they were not as proximate in time to the assessment date at issue as the sales in the appraisals and the raw sales provided by the appellants. The Board also gave less weight to board of review sale #4 due to the dwelling being significantly smaller than the subject dwelling.

The Board gave less weight to the 17 sales provided by the appellants. First, the sale prices were not adjusted for differences from the subject; second, none of the sales had a site similar in size as the subject property; and third, nine sales were not similar to the subject in style, size and/or age.

Of the two appraisals submitted by the appellants, the Board finds the appraisal prepared by Oleszczuk used comparables more similar to the subject in age, all but one was more similar to the subject in size and one comparable was a listing located .10 of a mile from the subject property along the same street as the subject dwelling. Therefore, the Board gives the appraisal prepared by Oleszczuk most weight. Oleszczuk estimated the subject property had a market value of \$645,000 as of October 18, 2010. The appraised value is below the market value reflected by the assessment of \$774,305. Based on this record this record the Board finds the subject property had a market value of \$645,000 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: 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.