



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

APPELLANT: Gerald & Judith Wille
DOCKET NO.: 10-01735.001-R-1
PARCEL NO.: 03-16-126-002

The parties of record before the Property Tax Appeal Board are Gerald and Judith Wille, the appellants, by attorney Laura Godek of Laura Moore Godek, PC, McHenry, Illinois; and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$30,820
IMPR.: \$137,778
TOTAL: \$168,598

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story with attic single family dwelling with 3,440 square feet of living area. The dwelling was constructed in 2004 and has a brick exterior. Features of the home include a full basement, central air conditioning, two fireplaces and a three-car attached garage with 720 square feet of building area. The subject property has a 19,602 square foot site and is located in Carpentersville, Dundee Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$370,000 as of January 1, 2010 and information on 6 comparable sales. The appraisal was prepared by Bradford W. Meador of Brad Meador & Associates, LLC. Meador is a state certified real estate appraiser. He indicated in the report that the property rights appraised were the fee simple interest and the appraisal was to be used for tax appeal purposes. The appraiser described the home as being in good condition with no repairs needed.

In estimating the market value of the subject property the appraiser developed both the cost approach and the sales

comparison approach to value. Under the cost approach the appraiser estimated a site value of \$80,000 based on recent sales for similar sized parcels. Using Marshall and Swift and local costs the appraiser estimated the replacement cost new to be \$439,100. Depreciation in the amount of \$20,286 was deducted to arrive at a depreciated cost of the improvements of \$418,814. To this the appraiser added \$5,000 for the site improvements and the site value to arrive at an estimated value under the cost approach of \$503,814.

In developing the sales comparison approach the appraiser used three sales located in Carpentersville and Algonquin. The comparables were improved with one-story ranch style single family dwellings that ranged in size from 1,993 to 2,110 square feet of living area. The dwellings ranged in age from 7 to 14 years old and were of brick and siding exterior construction. Each comparable has a basement with one being finished. Other features of each comparable include central air conditioning, one or two fireplaces and a two or three-car garage. These properties had sites that ranged in size from .23 to .36 acres. The sales occurred from May 2009 to October 2009 for prices ranging from \$258,000 to \$313,000 or from \$122.27 to \$157.05 per square foot of living area, including land. The appraiser made adjustments to the comparables for date of sale. The appraiser also made adjustments for such items as site size, view, design, room count, gross living area, basement area, basement finish, heating, garage bays, patio/deck area and for the subject's leaking basement. The appraiser determined the comparables had adjusted prices ranging from \$367,935 to \$378,770. Using this data the appraiser estimated the subject property had an estimated market value under the sales comparison approach of \$370,000. In conclusion the appraiser estimated the subject property had a market value of \$370,000 as of January 1, 2010.

The appellants also submitted information on 6 comparables sales improved with 1-story dwellings that ranged in size from 1,891 to 2,355 square feet of living area. The comparables were located in Carpentersville, West Dundee, Algonquin and Sleepy Hollow. The dwellings ranged in age from 7 to 24 years old. Five of the comparables had basements with two being identified as having finished area. Each comparable also had central air conditioning, one or two fireplaces and a two or three-car garage. Their sites ranged in size from 9,148 to 29,185 square feet of land area. The sales occurred from January 2009 to June 2010 for prices ranging from \$253,900 to \$313,000 or from \$116.07 to \$157.05 per square foot of living area.

Based on this evidence the appellants requested the subject's assessment be reduced.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$168,598 was disclosed. The subject's assessment reflects a market value of \$505,390 or \$146.92 per square foot of living

area, including land, when applying 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 information on five comparable sales improved with single family dwellings that ranged in size from 3,304 to 3,712 square feet of living area. Copies of the photographs of the comparables depict two story dwellings. The comparables were located in West Dundee, Carpentersville, and Dundee. The dwellings were constructed from 1992 to 2008. Each comparable had a basement with four being finished. Other features include central air conditioning, one or two fireplaces and attached garages that ranged in size from 720 to 1,080 square feet of building area. The comparables sold from November 2007 to March 2011 for prices ranging from \$499,900 to \$695,000 or from \$147.86 to \$188.43 per square foot of living area, including land.

The board of review submission also included comments from the township assessor. The assessor asserted the six comparables provided by the appellants were inferior to the subject being smaller, having fewer bathrooms, smaller basements, with one air conditioning unit compared to the subject's two units and comparables #3, #4 and #5 are tract homes. The assessor also commented that the appraiser's comparables were also inferior to the subject.

In rebuttal the appellants' counsel asserted board of review (BOR) comparable sales #1, #2, #3 and #4 were more remote in time to the assessment date than the appellants' comparables. Counsel also noted that the subject is a one-story home while each of the BOR comparables is a two-story home. With respect to BOR sale #2, counsel asserted the MLS sheet indicated this property had a finished walk-out basement and the real estate transfer declaration indicated property was not advertised for sale (although this does not seem correct in light of the MLS sheet). Counsel asserted BOR sale #3 was new construction at the time of sale. Counsel contends BOR sale #4 had a larger lot, was of brick and cedar exterior construction and had a larger garage than the subject. Counsel also asserted BOR sale #5 had a larger site and is of brick and cedar construction.

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 the evidence in record does not support 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 (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 sales in the record demonstrate the subject's assessment is reflective of the property's market value.

With respect to the appellants' appraisal the Board finds the comparable sales were significantly smaller than the subject dwelling. The appraisal comparables sold for unit prices ranging from \$122.27 to \$157.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$505,390 or \$146.92 per square foot of living area, including land, when applying the 2010 three year average median level of assessments for Kane County of 33.36%, which is within the range established by the comparables on a per square foot basis. Additionally, the appraiser estimated the subject had value under the cost approach of \$503,814, which further supports the market value reflected by the subject's assessment.

The 6 remaining sales submitted by the appellants are improved with dwellings that were also significantly smaller than the subject property and were from 1 to 18 years older than the subject dwelling. These properties sold in 2009 and 2010 for prices ranging from \$253,900 to \$313,000 or from \$116.07 to \$157.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$505,390 or \$146.92 per square foot of living area, including land, which is within the range of these sales on a square foot basis.

The Board gives little weight to the sales provided by the board of review due to the fact they were of a different style than the subject dwelling and did not sale proximate in time to the assessment date at issue.

In conclusion, after reviewing the evidence in this record the Board finds a change in the subject's assessment is not 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

[Signature]

Member

[Signature]

Member

[Signature]

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: March 22, 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.