



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

APPELLANT: Michael & Marilyn Gallagher  
DOCKET NO.: 10-01817.001-R-1  
PARCEL NO.: 03-16-203-003

The parties of record before the Property Tax Appeal Board are Michael and Marilyn Gallagher, the appellants, by attorney Laura Godek, of Laura Moore Godek, PC in 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:** \$36,829  
**IMPR:** \$141,647  
**TOTAL:** \$178,476

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story single family dwelling of frame and brick construction containing approximately 3,832 square feet of living area. The dwelling was constructed in 2003 and is approximately 7 years old. Features of the home include a basement that is 90% finished, central air conditioning, two fireplaces, a three-car garage and an in-ground swimming pool. The property has a 27,878 square foot site and is located in Carpentersville, Dundee Township, Kane County.

The appellants' contend overvaluation based on comparable sales and an appraisal. 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. The comparables were located from .3 to 4.5 miles from the subject property. Each comparable has a basement with 10 having finished living area, central air conditioning and one or two fireplaces. Two comparables have a two-car garage and 15 comparables have a three-car garage. The comparables have sites ranging in size from 10,019 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 \$535,000 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 \$90,000. The appraiser estimated the replacement cost new of the improvements to be \$519,420. The appraiser estimated depreciation to be \$23,997 resulting in a depreciated improvement value of \$495,423. The appraiser also estimated the site improvements had a value of \$5,000. Adding the various components, the appraiser estimated the subject property had an estimated market value under the cost approach to value of \$590,423.

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 4,018 square feet of living area. The dwellings ranged in age from 2 to 22 years old. Each of the comparables had a basement with three being finished. Each comparable had central air conditioning, one or two fireplaces and a 2, 3 or 4-car garage. The comparables have sites ranging in size from .22 to 1.4 acres of land area and were located from .53 to 4.35 miles from the subject property. The comparables sold from May 2009 to November 2009 for prices ranging from \$349,000 to \$530,000 or from \$86.86 to \$199.84 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$474,541 to \$569,091. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$535,000.

In reconciling the two approaches to value the appraiser estimated the subject property had a market value of \$535,000 as of January 1, 2010. Based on this evidence, the appellants requested a reduction in the subject's assessment to \$111,706.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$197,773 was disclosed. The subject's assessment reflects a market value of \$592,845 or \$154.71 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 four comparable sales and four equity comparables that were identified by the township assessor. The comparable sales are improved with two-story dwellings that ranged in size from 3,645

to 4,097 square feet of living area. The dwellings were constructed from 1987 to 2008. Each comparable has a basement, central air conditioning and a garage ranging in size from 540 to 927 square feet of building area. Three comparables have 1, 2 or 3 fireplaces. The comparables have sites ranging in size from approximately 14,845 to 47,044 square feet of land area. The comparables sold from November 2007 to July 2010 for prices ranging from \$530,000 to \$695,000 or from \$135.90 to \$187.23 per square foot of living area, including land.

The assessor provided information on four equity comparables improved with two-story dwellings ranging in size from 3,864 to 4,046 square feet of living area. These properties had improvement assessments ranging from \$161,322 to \$181,131 or from \$41.75 to \$45.12 per square foot of living area. The subject has an improvement assessment of \$160,944 or \$42.00 per square foot of living area.

In rebuttal the assessor stated that appellants' comparable sales #1, #2, #3, #4, #5, #6, #7, #8, #10, #12, #14, #16 and #17 are tract housing and not a good basis of comparison. The assessor also asserted sale #9 sold as a foreclosure and sale #11 was smaller and older than the subject. The assessor also indicated that appraisal comparable sales #1, #2 and #4 were located in McHenry County, sale #3 was a tract home and sale #5 is older and smaller than the subject property.

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

In rebuttal the appellants asserted that board of review comparables sales #1, #2 and #3 sold in 2007 or 2008. The appellants further noted that the Illinois Real Estate Transfer Declarations (PTAX-203) indicated that comparable #1 and #3 were not advertised for sale. Additionally, the appellants contend comparable #3 was new construction when sold. The appellants provided evidence that board of review sale #2 sold again in November 2010 for a price of \$489,000 or \$134.16 per square foot of living area, which supports a reduction in the subject's assessment. The appellants also asserted board of review sale #4 supports a reduction to the subject's assessment.

The appellants also argued their appeal was based on overvaluation and the equity comparables submitted by the board of review should be disregarded.

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 Board finds the best evidence of market value to be the appraisal of the subject property submitted by the appellants estimating the subject property had a market value of \$535,000 or \$139.61 per square foot of living area, including land, as of January 1, 2010. The appellants' appraiser developed the cost and sales comparison approaches to value and gave most weight to the conclusion of value contained in the sales comparison approach. The appraised value is also supported by the best comparable sales identified by the appellants and the board of review with respect to style, size, age and date of sale, which include appellants' sales #6, #8, #10, #13, #14, #15 and #16 and board of review sale #4. These properties sold from February 2009 to October 2010 for prices ranging from \$307,500 to \$530,000 or from \$92.40 to \$135.90 per square foot of living area, including land. The record also disclosed that board of review sale #2 sold again in August 2010 for a price of \$489,000 or for \$134.16 per square foot of living area, including land. The Board finds the subject's assessment reflects a market value of \$592,845 or \$154.71 per square foot of living area, including land, which is above the appraised value and above the range established by the best sales in the record. Based on this record the Board finds the subject property had a market value of \$535,000 as of January 1, 2010. Since market value has been determined the 2010 three year average median level of assessment 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: September 20, 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.