FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Bryan Kay
DOCKET NO.: 10-01964.001-R-1
PARCEL NO.: 09-32-152-028

The parties of record before the Property Tax Appeal Board are Bryan Kay, the appellant; 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:	$31,252
IMPR.:	$72,230
TOTAL:	$103,482

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of approximately 7,260 square feet of land improved with a 7-year old, two-story, brick and frame, single-family dwelling containing 2,666 square feet of living area. Features of the home include a partially finished basement, central air conditioning, one fireplace, 2.5 bathrooms and a two-car garage. An additional feature is a two-tier wood deck with pergola.

The appellant's appeal is based both on unequal treatment in the assessment process and overvaluation. In support of the equity argument the appellant submitted description data on three comparable properties. The properties were described as two-story frame and masonry dwellings that range in age from 6 to 9 years old. The comparable dwellings range in size from 2,282 to 3,055 square feet of living area. Features include basements, two or three car garages and a fireplace. The comparables have improvement assessments ranging from $26.99 to $29.99 per square foot of living area. The subject's improvement assessment is $29.86 per square foot of living area.

In support of the overvaluation argument, the appellant submitted an appraisal estimating the subject property had a market value of $290,000 as of September 2, 2010. The appraiser developed

only the sales comparison approach to value. Under the sales comparison approach the appraiser utilized four comparable sales and two active listings. Sales comparables #1 through #3 are the same properties the appellant presented in the assessment equity argument. The sales properties sold between February 2010 and July 2010, for prices that ranged from $252,000 to $308,500 or from $96.56 to $125.05 per square foot of living area, land included. The sales comparables are improved with two-story, single-family dwellings of brick and frame exterior construction. The dwellings range in age from 7 to 10 years and in size from 2,282 to 3,055 square feet. All four of the properties have a single fireplace and full basements. Comparable number one is listed as having some basement finish. The active listings were two-story brick and frame dwellings containing 2,228 and 2,952 square feet of living area. The listing prices were $310,000 and $314,900 or $105.01 and $141.34 per square foot of living area. After making adjustments to the comparables, the appraiser estimated market value indications for the subject ranging from $276,000 to $333,600. The appraiser reconciled these indications into a final opinion of market value for the subject of $290,000 as of September 2, 2010. The appellant requested the subject's assessment be reduced to reflect a $290,000 market value as of January 1, 2010.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of $110,872 was disclosed. The subject's assessment reflects a market value of $332,350 using the three-year median level of assessment for Kane County as determined by the Illinois Department of Revenue of 33.36% for 2010.

The board of review submitted a total of seven comparables, four of which included sales data. The equity properties were improved with two-story, frame or frame and masonry, single-family dwellings. They ranged: in age from 7 to 11 years; in size from 2,182 to 2,577 square feet of living area; and in improvement assessments from $28.75 to $36.78 per square foot of living area. As a result of its analysis, the board of review contended the subject was uniformly assessed and requested confirmation of the subject's assessment.

In support of the subject's estimated market value, the board of review submitted four comparable sales. These properties sold from April 2009 through February 2010 for prices that ranged from $289,950 to $354,500 or from $126.28 to $140.52 per square foot of living area, land included. The board of review also submitted property record cards and assessment data for all comparables submitted by both parties.

The board of review questioned the appraiser's use of sales occurring past the assessment date and noted that appellant's comparable #1 had previously sold in August of 2008 for $345,500. The board suggested that this sale should be considered as it occurred before the assessment date rather than the sale in July 2010 for $305,000. As a result of its analysis of its

comparables, the board of review requested its assessment of the subject property be confirmed.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The first issue before the Board is the correct square footage attributable to the subject improvement. The Board finds the appellant presented the appraiser's drawing and a listing of the outside and inside measurements including a drawing and listing of the measurements of the upper floor. Based upon these measurements, the appraiser calculated a total of 2,666.20 square feet. The Board finds the appraiser's drawing with detailed measurements of the upper floor to be the most reliable size evidence in the record. Consequently, the Board finds the subject improvement contains 2,666 square feet of living area.

The appellant first contends overvaluation as the basis of the appeal. 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); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm’s length sale of the subject property, recent construction costs, or recent sales of comparable properties. The Property Tax Appeal Board finds that the appellant has met this burden of proof.

The Board finds the parties to the appeal submitted a total of eight comparable sales and two active listings. The sales occurred from April 2009 to July 2010 and ranged in price from $252,000 to $354,500. The active listings were listed as having asking prices of $310,000 and $314,900. All of comparables are similar to the subject with the one difference being size of living area. The Board finds the most comparable properties to the subject in both size and proximity of sale date to the assessment date sold for prices ranging from $110.67 to $137.56 per square foot of living area, land included. After considering logical adjustments to the comparables for differences when compared to the subject, the Property Tax Appeal Board finds the evidence contained in the record demonstrates the subject property is overvalued and a reduction is warranted.

The appellant also argued unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

The Board finds the assessment comparables submitted by both parties had improvement assessments that ranged from $26.99 to $36.78 per square foot of living area. The subject's improvement assessment of $29.86 per square foot of living area is within the range established by the most similar comparables.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the appellant disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is equitable and no reduction is warranted based on equity.

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.

Chairman

Member

Member

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: October 19, 2012

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.