



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

APPELLANT: Timothy Ramseyer
DOCKET NO.: 10-02103.001-R-1
PARCEL NO.: 02-27-200-007

The parties of record before the Property Tax Appeal Board are Timothy Ramseyer, the appellant, by attorney Ronald M. Justin of RMR Property Tax Solutions, in Hawthorn Woods, 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: \$49,348
IMPR.: \$47,985
TOTAL: \$97,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property¹ is improved with a 1.5-story single-family dwelling of frame construction. The home contains approximately 2,352 square feet of living area and was constructed in 1947. Features of the home include a partial basement, central air conditioning, a fireplace and an attached 528 square foot garage. The property consists of an 8-acre parcel that is also improved with a large barn. The property is located in Hampshire, Rutland Township, Kane County.

The appellant appeared before the Property Tax Appeal Board through legal counsel contending the subject property was overvalued in light of its recent sale and a permanent easement. In support of this market value argument, the appellant's counsel filed a brief citing various Illinois cases along with

¹ Descriptive details of the subject property have been drawn from the property record card submitted by the board of review as the appellant failed to complete Section III - Description of Property.

data asserting that the subject property was purchased on October 31, 2008 for a price of \$292,000. The appellant completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related and the property was sold by the owner after having been advertised on the open market with a sign and through the internet for 45 days prior to its sale.

In support of the contention regarding an easement, the appellant submitted a four-page "Permanent Easement" document that was recorded on July 14, 2009. Also included in the appellant's submission was a handwritten notation, "Part of land was sold to Kane County in July 2009 for \$190,000 for easement. See attached." Counsel further argued that although the land would stay with the owner, there was now an encumbrance on the land for the easement. Counsel asserted "easements typically decrease the value of a property."

No witness was presented by the appellant to testify as to the purchase process, negotiations and/or the condition of the subject property at the time of purchase in 2008 nor was any additional information regarding the easement provided as part of the appeal. Upon inquiry from the Hearing Officer, counsel acknowledged that an appraisal probably should have been commissioned to establish that there was an impact on market value due to the easement.

Based on this evidence and applicable case law, the appellant requested a reduction in the subject's assessment to reflect the 2008 purchase price of \$292,000.

The board of review submitted its "Board of Review - Notes on Appeal" wherein the subject's total assessment of \$191,142 was disclosed. The subject's assessment reflects a market value of \$572,968 or \$243.61 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. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review representative Michael Madziarek cited the documentation from the township assessor that was submitted noting the subject property was purchased in 2008 for \$292,000,

however, this sale was the result of a foreclosure² and two prior sales occurred in 2004 for \$560,000 and \$562,000, respectively.

The assessor also noted that "it appears that the assessment for the house and barn had been previously assessed together." The assessor also wrote "in 1997 an extensive remodeling took place that increased the living area of the house."

Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

After hearing the testimony and considering the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. 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, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code §1910.65(c). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant submitted limited evidence regarding the October 31, 2008 sale of the subject property for \$292,000 and further argued in the abstract that a subsequent easement has reduced the value of the subject property. As to the argument concerning the effect of an easement, the appellant failed to provide any substantive market value evidence to support a reduction in value as a consequence of the easement. The board of review also provided no current market value evidence to support the subject's current assessment and cited two purported sales of the subject property from 2004, dates approximately six years prior to the assessment date at issue to support the subject's estimated market value as reflected by its 2010 assessment.

² A copy of the PTAX-203, Illinois Real Estate Transfer Declaration was also submitted which depicts the sale date and price along with the fact that the property was advertised for sale prior to the transaction.

The Property Tax Appeal Board has given no weight to the argument that the easement impacts the subject's market value as there was no market data to support such a related reduction. The Board has also given no weight to the purported sales of the subject property in 2004 as this data was not supported with additional evidence of the sale transaction(s) and is too distant in time to be a valid or reliable indicator of the subject's estimated market value as of January 1, 2010. In light of the appellant's market value argument which relies solely upon the subject's October 2008 sale price of \$292,000 which was not refuted by the board of review with any substantive market value data, the Board finds that the subject property was overvalued in light of its 2010 assessment that reflects a market value of \$572,968.

The Illinois courts have stated that the sale price of property does not necessarily establish its value without further information on the relationship of the buyer and seller and other circumstances. Ellsworth Grain Co. v. Illinois Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988). As set forth in this record, however, the board of review failed to rebut the apparent arm's-length nature of the sale transaction in that the only evidence of record is that the buyer and seller were not related, the property was open and exposed on the market for a period of time and sold for \$292,000.

Based on this limited record, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject property was overvalued as the most current market value evidence in the record is that the subject property sold in October 2008 for \$292,000. This purchase price of \$292,000 is below the market value reflected by the assessment of \$572,968 and thus a reduction in the subject's assessment is warranted.

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.



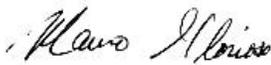
Chairman



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: January 24, 2014



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.