



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

APPELLANT: Judy Brooks
DOCKET NO.: 10-02330.001-R-1
PARCEL NO.: 15-16-228-007

The parties of record before the Property Tax Appeal Board are Judy Brooks, 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: \$16,563
IMPR.: \$19,770
TOTAL: \$36,333

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story single family dwelling of frame construction that contains 1,244 square feet of living area. The dwelling was constructed in 1955. Features of the home include a full unfinished basement, central air conditioning and an attached two-car garage. The property has a 12,332 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on seven comparable sales in the form of property record cards and multiple listing sheets. The comparables were described as one-story dwellings that ranged in size from 884 to 1,515 square feet of living area. The dwellings ranged in age from 49 to 57 years old. Four comparables have full basements that were finished and three had no basements. Six comparables had central air conditioning, two comparables had one fireplace and six comparables had either a one-car or a two-car garage. The comparables had sites ranging in size from 5,606 to 11,390 square feet of land area. The properties were located from .3 to .8 miles from the subject property. The listing sheets indicated the comparables were on the market from 7 to 459 days. The sales occurred from March 2009 to December 2009 for prices ranging from \$75,000 to \$125,000 or from \$69.30 to \$122.73 per square foot of

living area, including land. Based on these sales the appellant requested the subject's assessment be reduced to \$36,333, which reflects a market value of approximately \$109,000 or \$87.62 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject property of \$55,661 was disclosed. The subject's assessment reflects a market value of \$166,850 or \$134.12 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 four equity comparables identified by the township assessor. The board of review also submitted a grid analysis of the appellant's comparable sales #1, #3, #4, #5 and #6. The assessor indicated that appellant's comparable #3 sold again in August 2010 for a price of \$124,900 or \$121.73 per square foot of living area, including land. The assessor also indicated that appellant's sale #6 had 1,168 feet of living area resulting in unit price of \$107.02 per square foot of living area, land included. The assessor also identified an additional comparables improved with a one-story dwelling with 1,000 square feet of living area that sold in August 2007 for a price of \$132,000 or \$132.00 per square foot of living area, including land. The assessor further noted sales #1 and #3 were foreclosures, sales #2 and #6 were short sales and sales #4 and #5 are good sales. Based on this evidence the board of review proposed to reduce the subject's assessment to \$53,328.

The appellant submitted rebuttal comments rejecting the board of review proposed revised assessment and argued the board of review submitted no comparable sales of its own.

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 a reduction in the subject's assessment is supported by the evidence in the record.

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

The appellant submitted information on seven comparable sales to support her contention of overvaluation. The board of review submitted a grid analysis and comments on five of the seven sales presented by the appellant. The board of review had an

additional sale not submitted by the appellant; however, this sale occurred in August 2007, more than two years prior to the assessment date at issue. Due to the date of this sale, the Board gives this additional comparable no weight. The comparable sales submitted by the appellant had varying degrees of similarity to the subject property. The appellant's evidence indicated the comparables sold during 2009 for prices ranging from \$69.30 to \$122.73 per square foot of living area, including land. The comparable with the highest price per square foot was approximately 29% smaller than the subject property. The subject's assessment reflects a unit value of \$134.12 per square foot of living area, including land, which is above the range established by the appellant's comparables. Those comparables most similar to the subject in size and features were appellant's comparables #1, #2 and #3 with prices ranging from \$73.09 to \$80.57 per square foot of living area, including land. Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

The Board gives no weight to the board of review equity comparables since that evidence does not address the appellant's market value argument.

In conclusion the Board finds a reduction in the subject's assessment is 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.