



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

APPELLANT: David R. & S. Lynn Murphy
DOCKET NO.: 11-01318.001-R-1
PARCEL NO.: 12-05-102-003

The parties of record before the Property Tax Appeal Board are David R. & S. Lynn Murphy, the appellants, 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: \$40,000
IMPR: \$74,644
TOTAL: \$114,644

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story frame and masonry townhome that contains 2,119 square feet of living area.¹ The dwelling was constructed in 2006. Features of the townhome include a full walk-out style basement that is partially finished, central air conditioning, a fireplace and a two-car garage of 400 square feet of building area. The property has a 4,081 square foot site and is located in Geneva, Geneva Township, Kane County.

The appellants' appeal is based on overvaluation and lack of assessment uniformity. As to the inequity argument, the appellants completed the Section V grid analysis of the Residential Appeal petition. The appellants reported four

¹ The appellants and the board of review reported the subject contains 2,119 square feet of living area although the appellants' appraiser reported a dwelling size of 2,066 square feet of living area which was supported by a schematic drawing. The Property Tax Appeal Board finds the minor size dispute is not relevant to determining the correct assessment of the subject property on this record.

townhomes located on the same street as the subject which are each six years old. These townhomes each contain 2,119 square feet of living area. Each townhome has a full basement, three of which have finished area and each townhome has central air conditioning, a fireplace and a two-car garage of 400 square feet of building area. These comparables have improvement assessments of \$94,346 or \$99,943 or \$44.52 or \$47.17 per square foot of living area. The subject has an improvement assessment of \$99,943 or \$47.17 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment to \$94,346 or \$44.52 per square foot of living area, which would be identical to the improvement assessment of the appellants' comparable #1.

In support of the overvaluation argument, the appellants submitted an appraisal estimating the subject property had a market value of \$345,000 as of November 21, 2011. The appraisal was prepared by Rene Fiore, a State of Illinois Certified Residential Real Estate Appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value.

As part of the report, the appraiser noted that the subject had been listed for sale in the 12 month period prior to the effective date of the appraisal. The subject was listed in March 2010 for \$449,900 and was taken off the market in March 2011 after having received no offers.

For the sales comparison approach, the appraiser provided information on three comparable sales and two active listings. The properties were located from .04 to 1.44-miles from the subject property. The comparables were described as one-story townhomes that range in size from 1,642 to 2,633 square feet of living area. The dwellings range in age from 1 to 11 years old. Features of the comparables include a basement, three of which are walk-out style and four of which include finished area. Each comparable has central air conditioning, one or two fireplaces and a two-car garage. The comparables have sites ranging in size from 3,049 to 5,016 square feet of land area. Three of these comparables sold in June or July 2011 for prices ranging from \$322,500 to \$348,900 or from \$132.52 to \$204.32 per square foot of living area, including land. The listings had asking prices of \$327,500 and \$425,000 or \$154.55 and \$200.57 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 \$318,500 to \$356,500 or from \$129.36 to \$189.95 per

square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$345,000 or \$162.81 per square foot of living area, including land.

Based on the foregoing evidence, the appellants requested a reduction in the subject's total assessment to \$134,346 which would reflect a market value of approximately \$403,038 or \$190.20 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$139,943 was disclosed. The subject's assessment reflects a market value of \$421,135 or \$198.74 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for Kane County of 33.23% as determined by the Illinois Department of Revenue.

In support of the subject's assessment the board of review submitted a letter from Denise D. LaCure, Geneva Township Assessor, who contended that the previous decision of the board of review resulted in a uniform assessment of the subject property with appellants' comparables #2 and #3 despite the fact that those properties have one less bathroom than the subject. While the township assessor recognized that the appellants seek to have an identical assessment to their comparable #1, the assessor noted that this property "was low and needed to be brought in line with the other properties, as has been done in 2012."

In a grid analysis, the board of review reiterated the appellants' comparables #1 through #3 and provided two additional equity comparables to establish that the subject was uniformly assessed.

The board of review provided no market value data in the grid analysis submitted and thus, did not respond to the appellants' overvaluation argument.²

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

² The Property Tax Appeal Board finds in the underlying property record cards which were submitted by the board of review, "assessor comparable #1," a townhome identical in age and size to the subject with a walk-out style basement with finished area, central air conditioning, a fireplace and a two-car garage sold in September 2012 for \$315,000.

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 a reduction in the subject's assessment is warranted.

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); 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 and only evidence of market value of the subject property to be the appraisal of the subject property submitted by the appellants. The appellants' appraiser developed the sales comparison approach to value and the sales utilized by the appraiser were similar to the subject in location, size, style, exterior construction, features, age and/or land area. These properties also sold or were listed proximate in time to the assessment date at issue of January 1, 2011. The appraised value of \$345,000 is below the market value reflected by the assessment of \$421,135. As noted above, the board of review failed to provide market value evidence to support the subject's estimated market value as reflected by its assessment and the board of review failed to refute the value conclusion set forth in the appellants' appraisal. Little weight was given to the September 2012 sale of "assessor comparable #1" as this sale was not specifically presented by the board of review as part of the response to the appeal and the sale occurred 21 months after the assessment date at issue as compared to the appraiser's comparables which sold or were listed more proximate in time to the assessment date of January 1, 2011.

Based on this record the Board finds the subject property had a market value of \$345,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for Kane County of 33.23% shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

The appellants also contended unequal treatment in the subject's assessment as a 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 and considering the reduction in assessment for overvaluation, the Board finds that the subject property is equitably assessed and no further reduction in the subject's assessment is warranted on grounds of lack of uniformity.

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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Tracy 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: March 21, 2014

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.