



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

APPELLANT: Kelli Munroe  
DOCKET NO.: 11-01394.001-R-1  
PARCEL NO.: 09-24-251-024

The parties of record before the Property Tax Appeal Board are Kelli Munroe, the appellant, by attorney Richard Larson in Sandwich, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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:** \$110,822  
**IMPR.:** \$185,682  
**TOTAL:** \$296,504

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a two-story dwelling of frame and masonry construction containing 4,498 square feet of living area.<sup>1</sup> The home was built in 2005. Features of the home include a full finished basement, central air conditioning, a fireplace and a four-car garage. The dwelling is situated on approximately 15,600 square feet of land area located in the Majestic Oaks subdivision, St. Charles Township, Kane County, Illinois.

The appellant appeared, through counsel, before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property prepared by Tammy L. Marcozzi, a state certified appraiser. The appraiser was not present at the hearing. The intended use of the appraisal report was to establish the market value of the subject property for a real estate tax appeal. The appraisal report conveys an estimated

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<sup>1</sup> The parties stipulated to a dwelling size for the subject of 4,498 at hearing.

market value for the subject property of \$735,000 as of January 1, 2011, using the cost and sales comparison approaches to value.

Under the cost approach, the appraiser estimated a replacement cost new for the subject improvements of \$686,420. The appraiser then subtracted \$29,447 for physical depreciation for a depreciated value of the improvements of \$656,973. The appraiser then added \$25,000 for the depreciated value of site improvements to arrive at a total depreciated value of improvements of \$681,973. The appraiser estimated the subject's land value to be \$260,000 for an estimated value of the subject property under the cost approach of \$941,973.

Under the sales comparison approach to value, the appraiser utilized four comparable sales located from .33 of a mile to 1.89 miles from the subject property. The comparables consist of two-story dwellings of masonry or frame and masonry exterior construction containing from 3,522 to 6,777 square feet of living area. The comparables have full, partially finished or fully finished basements, two of which have either a walkout or a lookout feature. Other features include central air conditioning, one, two or four fireplaces and two-car, three-car or four-car garages. Comparable #2 has an in ground swimming pool. The comparables sold from October 2009 to September 2010 for prices ranging from \$665,000 to \$900,000 or from \$132.80 to \$188.81 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject for date of sale/time, site, view, quality of construction, age, room count, gross living area, basement & finished, room below grade, functional utility, garage/carport, porch/patio/deck/in ground swimming pool and fireplace. The adjusted sale prices ranged from \$721,200 to \$738,600. Based on the adjusted sale prices, the appraiser concluded the subject had an estimated market value under the sales comparison approach of \$735,000.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$245,000 to reflect the appraised value.

At the hearing, the board of review objected to consideration of the appraisal since the appraiser was not present to provide testimony and/or be cross-examined with regard to the report. The objection was taken under advisement by the Board's Administrative Law Judge.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$296,504 was disclosed. The subject's assessment reflects an estimated market value of \$892,278 or \$198.37 per square foot of living area including land using Kane County's 2011 three-year average median level of assessments of 33.23%.

In support of the subject's assessment the board of review submitted information provided by the St. Charles Township

Assessor's Office containing a grid analysis of two comparable sales, one of which is located in the Majestic Oaks subdivision, like the subject. The comparables are improved with two-story dwellings of masonry exterior construction containing 4,805 and 5,285 square feet of living area. The dwellings were constructed in 2003 and 2007. The comparables feature full unfinished basements, one of which has an "English" feature, central air conditioning, one or three fireplaces and garages of 930 and 1,573 square feet of building area. The comparables sold in November 2008 and December 2010 for prices of \$1,150,000 and \$1,100,000 or \$239.33 and \$208.14 per square foot of living area including land, respectively.

The board of review's representative, Michael Madziarek, argued that the subject is located on a superior wooded lot that backs to open space. In addition, the appraiser's cost approach estimate is substantially higher than the sales comparison approach estimate and is more reflective of the subject's market value.

Under cross-examination, the St. Charles Township Assessor, Colleen Lang, testified that the board of review's comparable #2 was located in the Woods of Crane subdivision, but this subdivision is equally comparable to the subject's Majestic Oaks subdivision. Additionally, even though the subject and the board of review's comparable #2 differ in size, both had a 2005 sale date in which the sale prices were very similar

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

Under rebuttal, counsel for the appellant argued that the board of review's comparable #2 is located 2 miles from the subject and has a larger lot and dwelling size. In addition, both the subject and the board of review's comparable #2 have the same land assessment; however, the subject is considerably smaller than the comparable.

After hearing the testimony 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 the subject's assessment.

As an initial matter, the Property Tax Appeal Board hereby sustains the objection of the board of review as to hearsay. The Board finds that in the absence of the appraiser at hearing to address questions as to the selection of the comparables and/or the adjustments made to the comparables in order to arrive at the value conclusion set forth in the appraisal, the Board will consider only the appraisal's raw sales data in its analysis and give no weight to the final value conclusion made by the appraiser. The Board finds the appraisal report is tantamount to hearsay. Illinois courts have held that where hearsay evidence appears in the record, a factual determination based on such

evidence and unsupported by other sufficient evidence in the record must be reversed. LaGrange Bank #1713 v. DuPage County Board of Review, 79 Ill. App. 3d 474 (2<sup>nd</sup> Dist. 1979); Russell v. License Appeal Comm., 133 Ill. App. 2d 594 (1<sup>st</sup> Dist. 1971). In the absence of the appraiser being available and subject to cross-examination regarding methods used and conclusion(s) drawn, the Board finds that the weight and credibility of the evidence and the value conclusion of \$735,000 as of January 2011 is significantly diminished.

The appellant contends 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 sales in this record support a reduction in the subject's assessment.

The parties submitted a total of six sales for the Board's consideration. The Board gave less weight to the appellant's comparables #1 and #3 due to their sale dates occurring greater than 13 months prior to the subject's January 1, 2011 assessment date. These sales would not be probative of the subject's real estate market as of the subject's January 1, 2011 assessment date. Likewise, the Board gave less weight to the board of review's comparable #1 due to its sale date occurring greater than 25 months prior to the subject's January 1, 2011 assessment date. This sale would not be probative of the subject's real estate market as of the subject's January 1, 2011 assessment date. The Board finds the remaining three sales submitted by the parties were relatively similar to the subject in location, style, construction, size and features. These properties also sold most proximate in time to the January 1, 2011 assessment date at issue. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. The comparables had sale dates ranging from April to December 2010 for prices ranging from \$665,000 to \$1,100,000 or from \$132.80 to \$208.14 per square foot of living area, including land. The subject's assessment reflects a market value of \$892,278 or \$198.37 per square foot of living area, including land, which is within the range of the best comparables in this record. After making adjustments to the comparables for differences when compared to the subject, the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and no 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.



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Chairman



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Member



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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: November 22, 2013



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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.