



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

APPELLANT: Raymond Precin
DOCKET NO.: 11-01415.001-R-1
PARCEL NO.: 02-05-130-006

The parties of record before the Property Tax Appeal Board are Raymond Precin, the appellant, 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: \$21,332
IMPR.: \$41,702
TOTAL: \$63,034

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story single-family dwelling of frame exterior construction containing 1,643 square feet of living area. The dwelling was constructed in 2000. Features of the home include a concrete slab foundation, central air conditioning and an attached two-car garage of 451 square feet of building area. The property has a .15-acre site and is located the Del Webb Sun City development in Huntley, Rutland Township, Kane County.

The appellant's appeal is based on overvaluation. In Exhibit A attached to the appeal, the appellant explained that two of the three comparables presented sold after the assessment date of January 1, 2011 which is apparently contrary to "directions on the Kane County appeal form."

In support of the market value argument, the appellant submitted information on three comparable sales located within three blocks of the subject property. The comparables are described as one-story dwellings of frame or frame and masonry

construction that range in size from 1,520 to 1,743 square feet of living area. The dwellings were constructed in 1999 or 2000. Each comparable has the same neighborhood code as the subject property. Features of the comparables include central air conditioning and a 451 square foot garage. Two of the comparables also have a fireplace. The comparables have sites of either .13 or .28 of an acre of land area. The comparables sold in May 2010 or April 2011 for prices ranging from \$143,000 to \$189,000 or from \$94.08 to \$108.43 per square foot of living area, including land.

In Exhibit B the appellant presented a chart of "calculations to determine adjusted fair cash value" where the appellant presented adjustments for "lot assessment" and an adjustment of \$5,000 (estimated) for a fireplace. Based on these adjustments, the appellant presented "adjusted price/sq. ft." for the three comparables from \$97.80 to \$111.68.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$57,005 which would reflect a market value of approximately \$171,015 or \$104.09 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 \$63,034 was disclosed. The subject's assessment reflects a market value of \$189,690 or \$115.45 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.

The board of review presented a two-page spreadsheet with information on eight comparable sales where comparable #1 was the same property presented as appellant's comparable #1. These eight properties are located in the Del Webb Sun City development. No other proximity information was provided by the board of review. These comparables are improved with one-story dwellings of frame or frame and masonry construction that range in size from 1,520 to 1,764 square feet of living area. The dwellings were constructed from 1999 to 2001. Features of the comparables include central air conditioning and an attached garage of 451 square feet of building area. Two of the comparables have a fireplace. These comparables have sites ranging in size from .13 to .28 of an acre of land area. The comparables sold from June 2008 to June 2010 for prices ranging from \$189,000 to \$234,000 or from \$108.43 to \$140.63 per square foot of living area, including land.

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

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 not warranted.

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 (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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The evidentiary rules applicable to proceedings before the Property Tax Appeal Board provide, in pertinent part, for a market value appeal, the appealing party for comparable sales shall present:

documentation of not fewer than three recent sales of suggested comparable properties together with documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property.

(86 Ill.Admin.Code §1910.65(c)(4)). Thus, while the appellant provided two sales which occurred four months after the assessment date at issue of January 1, 2011, the Board finds that evidence merely goes to the weight to be given to the sales data. Contrary to the appellant's inference that such data is not allowable, the Property Tax Appeal Board finds that it is not uncommon that sales data will bracket the assessment date by falling both before and after the assessment date.

In this matter, the parties presented a total of ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #3, #6, #7 and #8 as each of these sales

occurred in 2008, on dates from 24 to 30 months prior to the assessment date of January 1, 2011. The Board finds that sales so distant from the assessment date are less probative indicators of an estimated market value for the subject property than comparable sales which occurred more proximate in time to the assessment date.

The Board finds the remaining six comparables presented by both parties are most similar to the subject in size, style, exterior construction, features, age and/or land area. These six properties also sold most proximate in time to the assessment date at issue. Due to their similarities to the subject and dates of sale, these comparables received the most weight in the Board's analysis. These six comparables sold for prices ranging from \$143,000 to \$208,000 or from \$94.08 to \$126.75 per square foot of living area, including land. No weight has been given to the appellant's adjusted sales prices as there was inadequate explanation and/or support for the adjustment process and instead all "raw" sales should be analyzed to reflect the entire purchase price of the comparable parcel, which ultimately for improved properties, will reflect the sale price per square foot of living area, including land.

The subject's assessment reflects a market value of \$189,690 or \$115.45 per square foot of living area, including land, which is within the range established by the best comparable sales in this record both in terms of overall value and on a per-square-foot basis. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds that the subject's estimated market value based on its assessment is supported. Thus, the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is not 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.

Ronald R. Cuit

Chairman

K. L. Fen

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.