



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

APPELLANT: Nibu & Jolly Philips  
DOCKET NO.: 11-01537.001-R-1  
PARCEL NO.: 09-16-252-004

The parties of record before the Property Tax Appeal Board are Nibu & Jolly Philips, the appellants, by attorney Laura Godek of Laura Moore Godek, PC, in McHenry, 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:       \$34,830**  
**IMPR:       \$141,819**  
**TOTAL:      \$176,649**

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property consists of a two-story single-family dwelling of brick construction with 3,683 square feet of living area. The dwelling was constructed in 2002. Features of the home include a full walkout-style basement with finished area, central air conditioning, two fireplaces and an attached three-

car garage. The property has a 24,524 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on August 16, 2011 for a price of \$530,000. In addition, the appellants submitted an appraisal of the subject property with an opinion of value as of July 25, 2011 of \$545,000, a copy of a 19-page home inspection report, a copy of the Real Estate Contract related to the purchase reflecting a contract price of \$530,000, and a copy of the Settlement Statement reflecting the purchase price of \$530,000. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$203,335. The subject's assessment reflects a market value of \$611,902 or \$166.14 per square foot of living area, land included, when using 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 its contention of the correct assessment the board of review submitted a memorandum prepared by the St. Charles Township Assessor's Office along with information on three comparable sales. In the memorandum, the township assessor noted the subject is located in an area of custom-built homes and is an all brick dwelling whereas none of the appraisal comparables are of all brick construction. Additionally, the appraiser considered sales that occurred in 2011 along with active listings and arrived at a value 7 months after the valuation date of January 1, 2011; only sales #1 and #4 in the appraisal report "occurred during the statutory valuation period years of 2008, 2009 and 2010." To support the subject's assessment, the township assessor presented comparable sales which occurred between June 2008 and October 2010 for prices ranging from \$573,000 to \$630,000 or from \$177.34 to \$185.68 per square foot of living area, including land. As a final matter, the township assessor stated, "Subject's 2011 sale will be taken into consideration, along with the other 2011 sales, for valuation next year in 2012." Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants noted that board of review comparable sale #2 occurred in 2008, a date remote in time from the assessment date at issue of January 1, 2011. Moreover, the appellants contend the board of review's suggested sales are superior to the subject based upon location near wooded areas and/or having a water view/pond, a larger garage, screen porch amenity and/or larger deck which the subject property does not have.

### **Conclusion of Law**

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. 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 evidence of market value to be the July 2011 purchase price of the subject property for \$530,000 which is further supported by the appellants' appraisal of the subject property with an opinion of value of \$545,000 as of July 25, 2011. The sales and listing(s) in the appraisal report occurred from February to June 2011 for prices or asking prices ranging from \$485,000 to \$660,000 or from \$147.46 to \$166.48 per square foot of living area, including land. The Property Tax Appeal Board has given little weight to the three board of review comparable sales which occurred between June 2008 and October 2010 for prices ranging from \$573,000 to \$630,000 or from \$177.34 to \$185.68 per square foot of living area, including land.

The subject's assessment reflects a market value of \$611,902 or \$166.14 per square foot of living area, including land, which is above the recent purchase price of \$530,000 and the appraised value of \$545,000. In summary, the Board finds the subject property had a market value of \$530,000 as of the assessment date at issue. Thus, a reduction in the assessment of the subject property commensurate with the appellants' request 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: May 21, 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.