



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

APPELLANT: Kathy Jaken
DOCKET NO.: 11-01542.001-R-1
PARCEL NO.: 03-07-451-006

The parties of record before the Property Tax Appeal Board are Kathy Jaken, the appellant, 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: \$21,693
IMPR.: \$30,647
TOTAL: \$52,340

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single-family dwelling of frame construction containing 1,853 square feet of living area. The dwelling was constructed in 1996. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and an attached garage of 441 square feet of building area. The property has a 7,405 square foot site and is located in Carpentersville, Dundee Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted information on 17 comparable sales located within 1.2-miles of the subject property. The comparables are described as two-story dwellings of masonry, frame or frame and masonry construction that range in size from 1,583 to 2,217 square feet of living area. The dwellings range in age from 5 to 15 years old. Each comparable with the exception of comparable #9 has the same neighborhood code of Gleneagle Farm as the subject property. Features of the comparables include a full or partial basement, 11 of which

include finished area. Fifteen of the comparables have central air conditioning and eight have a fireplace. Each comparable also has a 2-car or a 3-car garage. The comparables have sites ranging in size from 6,534 to 9,583 square feet of land area. These 17 comparables sold from January 2010 to November 2011 for prices ranging from \$106,050 to \$200,000 or from \$51.63 to \$119.76 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$21,694 which reflects an improvement assessment for the subject dwelling of \$1. Counsel for the appellant provided no further explanation as to why the subject dwelling was entitled to this minimal improvement assessment and thus a total assessment that would reflect a market value of approximately \$65,082 or \$35.12 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 \$77,253 was disclosed. The subject's assessment reflects a market value of \$232,480 or \$125.46 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 information on four comparable sales located in Gleneagle Farm like the subject. The comparables were from .09 to .56 of a mile from the subject property. The comparables are improved with two-story dwellings of frame construction that range in size from 1,721 to 1,853 square feet of living area. The dwellings were constructed from 1996 to 1998. Features of the comparables include a full or partial unfinished basement, one of which is a walkout style. Each home has central air conditioning and two comparables have a fireplace. Each home has a garage ranging in size from 420 to 661 square feet of building area. The comparables have sites ranging in size from 6,930 to 10,019 square feet of land area. The comparables sold from July 2010 to April 2013 for prices ranging from \$200,000 to \$225,000 or from \$110.38 to \$125.80 per square foot of living area, including land.

Based on this evidence, the board of review proposed to reduce the subject's assessment to \$68,171 which would reflect a market value of approximately \$204,513 or \$110.37 per square foot of living area, including land.

The appellant was informed of this proposed assessment reduction and rejected the offer. Furthermore, in written rebuttal, counsel for the appellant raised various criticisms of the board of review's sales comparables through the submission of Exhibits 1 through 7. Counsel's letter in rebuttal was limited to one page discussing comparable #1 which differs from the subject in exterior construction, having a walkout basement feature and a larger garage than the subject.

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

The parties submitted a total of 21 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #9 due to its location in a different subdivision as compared to the subject property. The Board also gave less weight to appellant's comparables #1, #3, #4, #7, #10, #11, #12, #13, #14, #15 and #16 due to differences in age, size and/or features when compared to the subject dwelling that was built in 1996, contains 1,853 square feet of living area and features a fireplace. The board also gave reduced weight to board of review comparables #1, #3 and #4 due to the dates of sale being less proximate to the assessment date of January 1, 2011.

The Board finds the appellant's comparables #2, #5, #6, #8 and #17 along with board of review comparable #2 were most similar to the subject in location, size, style, exterior construction, features, age and/or land area. These properties also sold most proximate in time to the assessment date at issue. Due to the similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables sold from

July 2010 to August 2011 for prices ranging from \$106,050 to \$225,000 or from \$51.63 to \$124.17 per square foot of living area, including land. The subject's assessment reflects a market value of \$232,480 or \$125.46 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. After giving less weight to the lowest sale price and the highest sale price, both of which appear to be outliers given the majority of the most similar sales in this record, the Board finds that the subject property was overvalued and a reduction is warranted.

Based on this record the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued and 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.

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.