



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

APPELLANT: Steve & Paula Frederiksen
DOCKET NO.: 11-01546.001-R-1
PARCEL NO.: 03-09-376-002

The parties of record before the Property Tax Appeal Board are Steve & Paula Frederiksen, 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: \$34,393
IMPR: \$129,904
TOTAL: \$164,297

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 is improved with a two-story single family dwelling with 4,536 square feet of living area. The dwelling was constructed in 1999 and is approximately 12 years old. The home has a dryvit and stone exterior construction. Features of the home include a full unfinished basement, central air

conditioning, one fireplace and a three-car attached garage. The property has a 24,829 square foot or .57 acre site and is located in Carpentersville, Dundee Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$360,000 as of January 1, 2010. In addition, the appellants submitted information on 23 comparable sales. As additional information, the appellants presented data that the 2012 total assessment of the subject property was established by the Dundee Township Assessor's Office as \$173,190.

Based on the evidence submitted, the appellants request an assessment reduction to \$93,900 which would reflect a market value of approximately \$281,700.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$193,899. The subject's assessment reflects a market value of \$583,506 or \$128.64 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 response to the appellant's evidence, the Dundee Township Assessor noted the appellant provided an excessive number of 23 comparable sales which included many dissimilar dwellings when compared to the subject's dwelling size of 4,536 square feet of living area. Moreover, the township assessor contended that the appellants' appraisal similarly had "more than 25% adjustment" and was thus not a good basis for comparison.

In support of its contention of the correct assessment the board of review through the Dundee Township Assessor submitted information on three comparables sales of two-story dwellings that range in size from 3,864 to 4,358 square feet of living area. These comparables sold between January and December 2012 for prices ranging from \$530,000 to \$602,000 or from \$134.41 to \$138.14 per square foot of living area, including land.

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

In rebuttal, the appellants noted differences between the subject and the three comparable sales presented by the board of review including location near a nature preserve/wooded area,

lot size, basement finish and/or style, age and/or superior amenities not enjoyed by the subject property.

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.

In reviewing the sales comparison approach contained in the appraisal and the sales submitted by the parties, the Board finds all the dwellings, with the exception of appellants' comparables #16 and #23 along with board of review comparables #2 and #3, are significantly smaller than the subject property. Furthermore, the Board finds appellants' comparable sale #4 was a one-story dwelling dissimilar to the subject property; therefore, this sale was given no weight. The Board also finds appellants' comparable #6 sold in October 2009. The Board finds this sale date is not as proximate in time to the assessment date at issue as the remaining sales used by the parties and is given little weight.

With respect to the appellants' appraisal the Board finds the comparable sales were smaller than the subject dwelling with three being approximately 1,500 square feet or 33% smaller than the subject dwelling. The appraisal comparables sold for unit prices ranging from \$86.86 to \$111.33 per square foot of living area, including land. The appraiser ultimately estimated the subject property had a market value of \$360,000 or \$79.37 per square foot of living area, including land, which is significantly below the sales on a per square foot basis. Additionally, the subject's estimated value is from approximately \$11,000 to \$41,600 greater than the sales price of the individual comparables, which is difficult to justify given the subject dwelling is so much larger than each of these homes. As a result of this analysis, the Board finds the appraisal understates the value of the subject dwelling.

With the exception of appellants' comparables #4 and #6, the 21 remaining sales submitted by the appellants are improved with two-story dwellings that were also smaller than the subject

property but sold in 2010 through 2012. These comparables had prices ranging from \$255,000 to \$459,000 or from \$72.17 to \$135.55 per square foot of living area, including land. The subject's assessment reflects a market value of \$583,506 or \$128.64 per square foot of living area, including land, when applying the 2011 three year average median level of assessments for Kane County of 33.23%. The subject's assessment reflects a market value above the range of the sales in the appraisal as well as these 21 sales in terms of overall market value.

As to the board of review's evidence, the Board finds that only board of review comparable sale #2 should be given any consideration. Board of review sale #1 was smaller than the subject by approximately 672 square feet, superior to the subject in age, had frame exterior construction, was located adjacent to a nature preserve and arguably has superior kitchen amenities based on the comments in the listing. This property sold in September 2012 for a price of \$530,000 or \$137.16 per square foot of living area, including land. Additionally, board of review sale #3 has a walkout basement feature that differs from the subject property. The Board finds that both of these sales would require downward adjustments to make them equivalent to the subject property.

In conclusion, after reviewing the appellants' appraisal and the sales submitted by the parties and giving greatest weight to appellants' comparables #16 and #23, the Property Tax Appeal Board finds 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.



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.