



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

APPELLANT: Jerome Spicuzza
DOCKET NO.: 11-01558.001-R-1
PARCEL NO.: 02-06-329-002

The parties of record before the Property Tax Appeal Board are Jerome Spicuzza, 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: \$33,697
IMPR: \$102,878
TOTAL: \$136,575

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of vinyl and brick exterior construction containing 3,124 square feet of living area. The dwelling was constructed in 2005. Features of the home include a concrete slab foundation, central air conditioning, one fireplace and a three-car attached garage with 653 square feet of building area. The property has an 11,468 square foot or a .26 acre site and is located in Huntley, Rutland Township, Kane County.

The appellant contends overvaluation based on comparable sales. In support of this argument, the appellant submitted information on four comparable sales described as one-story dwellings of frame or frame and stone exterior construction that range in size from 2,639 to 3,124 square feet of living area. The dwellings range in age from 5 to 8 years old. Each comparable was located in the same subdivision as the subject property. One comparable had a basement, each comparable had central air conditioning, one comparable had a fireplace and each comparable

had either a 2 car or a 3 car garage. The comparables have sites ranging in size from 7,875 to 14,557 square feet of land area. The comparables sold from July 2009 to December 2010 for prices ranging from \$250,000 to \$400,000 or from \$89.16 to \$128.04 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$102,050 which would reflect a market value of approximately \$306,150 or \$98.00 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 \$137,320 was disclosed. The subject's assessment reflects a market value of \$413,241 or \$132.28 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 data gathered by Janet A. Siers, the Rutland Township Assessor, who contended that the appellant presented five comparable sales. The township assessor purported to reiterate those properties in a grid analysis. In comparing the assessor's data to the appellant's appeal, the Property Tax Appeal Board finds the township assessor erroneously added a property which she identified as comparable #2 which was not presented by the appellant to the Property Tax Appeal Board in this appeal.

In a memorandum, the assessor contended that appellant's comparables #3, #4 and #5 as identified by the assessor (actually appellant's comparables #2, #3 and #4) should not be considered "for they are much smaller and not comparable."

The board of review through the Rutland Township Assessor presented information on four comparable sales improved with one-story dwellings with vinyl and brick exterior construction that contain either 2,852 or 3,124 square feet of living area. The dwellings were constructed in 2005 or 2007. Each was located in the same subdivision as the subject property. Two of the comparables have basements, one of which is a walkout-style, each comparable has central air conditioning, two comparables each have one fireplace and each comparable has a 653 square foot garage. The comparables have sites ranging in size from .12 to .29 acres. These four comparables sold from August 2008 to May 2010 for prices ranging from \$412,000 to \$515,000 or from

\$131.88 to \$170.41 per square foot of living area, including land.

The board of review through the township assessor also provided information on three equity comparables. The Property Tax Appeal Board will not further discuss these comparables as the appeal was based on market value.

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

In written rebuttal, counsel for the appellant asserted that the three sales which were criticized were within 16% of the dwelling size of the subject. As to the board of review's sales, counsel noted that sales #1, #2 and #3 occurred in 2008 and 2009, less proximate in time to the assessment date at issue than the comparables identified by the appellant. Counsel also asserted that the board of review comparable sale located at 12582 Muir Dr., Huntley, was not an arm's length transaction. She submitted a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) noting this property was not advertised for sale. She further noted this dwelling features a walkout-style basement as compared to the subject which does not have a basement. Additionally, as to the remaining comparables, counsel noted various features, locational differences and/or high level finishes of these properties as described in the applicable listing sheets. Counsel further argued the board of review equity grid should be disregarded as the basis of the appeal was overvaluation and not equity.

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 eight comparables sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #2 and board of review comparables #1 and #3 as each of these dwellings features a basement which the subject dwelling does not have with a slab foundation. The Board has also given reduced weight to board of review comparable #2 as this property sold in August 2008, a date approximately 28 months prior to the assessment date at issue of January 1, 2011. The Board also gave less weight to board of review comparable #1 located at 12582 Muir Dr., Huntley, as it does not appear to have the elements of an arm's length sale transaction.

The Board finds the remaining four comparables submitted by both parties are 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 their similarities to the subject and the sale dates, these four comparables received the most weight in the Board's analysis. These properties sold from July 2009 to November 2010 for prices ranging from \$250,000 to \$412,000 or from \$89.16 to \$131.88 per square foot of living area, including land. The subject's assessment reflects a market value of \$413,241 or \$132.28 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. The Board further finds appellant's comparable #1 and board of review comparable #4 were most similar to the subject in size, age and features. These homes sold in May and July 2010 for prices of \$400,000 and \$412,000. Based on this record the Board finds the appellant demonstrated 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.



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: March 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.