



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

APPELLANT: Susan & Gregory Grabacki
DOCKET NO.: 11-01567.001-R-1
PARCEL NO.: 03-16-202-002

The parties of record before the Property Tax Appeal Board are Susan & Gregory Grabacki, the appellants, by attorney Laura Godek of Laura Moore Godek, PC, 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: \$110,000
IMPR: \$104,334
TOTAL: \$214,334

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 consists of a two-story dwelling of frame and masonry construction with 3,679 square feet of living area.¹

¹ The record contained three estimates of size for the subject dwelling; 3,653 square feet, 3,679 square feet, and 3,764 square feet. The Board finds the appraisals prepared by John Oleszczuk submitted by the appellants had the

The dwelling was constructed in 1997. Features of the home include a full basement that is finished, central air conditioning, three fireplaces, an indoor swimming pool and a three-car attached garage. The property has a 2.45 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 information on 23 comparable sales and three appraisals. The first appraisal was prepared by Elyce M. Meador for tax appeal purposes and estimated the subject property had a market value of \$600,000 as of January 1, 2010. The second appraisal was prepared by John Oleszczuk, a State of Illinois Certified Residential Real Estate Appraiser, for a refinance transaction and estimated the subject property had a market value of \$620,000 as of June 28, 2010. The third appraisal was also prepared by John Oleszczuk for a refinance transaction and estimated the subject property had a market value of \$645,000 as of October 18, 2010. Based on the evidence submitted the appellants requested the subject's assessment be reduced to \$139,977.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$239,976. The subject's assessment reflects a market value of \$722,167 or \$196.29 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 information provided by the Dundee Township Assessor's Office. The assessor critiqued the appraisals and the comparable sales provided by the appellants.

The assessor also provided information on three comparable sales located in the subject's neighborhood improved with a one-story dwelling and two, two-story dwellings that ranged in size from 2,988 to 3,864 square feet of above grade living area. The dwellings were built from 1996 to 2005. The comparables had relatively similar features as the subject dwelling. These properties had smaller sites than the subject property with parcels ranging in size from 23,958 to 30,492 square feet of land area. These properties sold from September 2012 to May 2013 for prices ranging from \$448,000 to \$530,000 or from

best sketch of the subject dwelling and estimated the subject home had 3,679 square feet of living area.

\$136.07 to \$149.93 per square foot of living area, including land. The board requested confirmation of the subject's assessment.

In rebuttal the appellants asserted that the Property Tax Appeal Board had issued a decision the prior tax year under Docket No. 10-01724.001-R-1 reducing the subject's assessment to \$215,172. The appellants also noted that each of the comparable sales submitted by the board of review had prices ranging from \$136.07 to \$149.93 per square foot of living area, including the land, which is below the market value reflected by the subject's assessment on a square foot basis. The appellants also critiqued the comparable sales provide by the board of review.

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 was presented by the appellants. The appellants submitted three appraisals with estimates of value ranging from \$600,000 to \$645,000. The appraisal with an effective date most proximate in time to the assessment date at issue was prepared by John Oleszczuk and estimated the subject property had a market value of \$645,000 as of October 18, 2010. The Board further finds that the appellants presented raw sales on 23 comparables. Of these comparables the Board finds those that sold most proximate in time to the assessment date and were most similar to the subject in style, age and size included comparables #2, #3, #7, #9, #16, #17, #18, #19, #20, #21 and #23. These properties sold for prices ranging from \$72.17 to \$113.67 per square foot of living area, including land. These sales each had a smaller site than the subject property, which would require an upward adjustment for this inferior feature. The Board further finds the board of review submitted three comparables sales. Of these sales comparables #1 and #2 were most similar to the subject in style. These two comparables sold in September 2012 and May 2013 for prices of \$530,000 and \$448,000 or \$137.16 and \$149.93 per square foot of living area, including land. Each of these sales

had a smaller site as compared to the subject property, which would require an upward adjustment. The subject's assessment reflects a market value of \$722,167 or \$196.29 per square foot of living area, land included, which is above the appraised values presented by the appellant and above the range established by the best comparable sales in the record on a square foot basis. Based on this record, the Board finds the subject property had a market value of \$645,000 as of the assessment date at issue. Since market value has been established the 2011 three year average median level of assessments for Kane County of 33.23% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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.



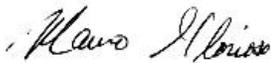
Chairman



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: June 20, 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.