



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

APPELLANT: West Suburban Bank, Trustee (John Grotto)  
DOCKET NO.: 11-01766.001-R-1  
PARCEL NO.: 01-26-152-026

The parties of record before the Property Tax Appeal Board are West Suburban Bank, Trustee (John Grotto), the appellant, 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:** \$8,739  
**IMPR.:** \$27,891  
**TOTAL:** \$36,630

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 townhome/condominium of frame and masonry construction with 1,806 square feet of living area. The dwelling was constructed in 2007. Features of the townhome include a concrete slab foundation, central air conditioning and an attached two-car garage of approximately 400 square feet of building area. The

property has a 3,696 square foot site and is located in Hampshire, Hampshire Township, Kane County.

The appellant contends both overvaluation and lack of assessment uniformity as the bases of the appeal. In support of the overvaluation argument, the appellant reported the subject property was listed for sale as of January 2012 with an asking price of \$109,900 with no offers received as of the date of filing of the appeal in April 2012. Furthermore, the appellant reported the subject property was purchased in May 2008 for \$204,500. The appellant also submitted information on four comparable sales of townhomes in close proximity to the subject. These units range in size from 1,374 to 1,806 square feet of living area. Three of the comparables have full basements, two of which include finished area. Two of the comparables have a fireplace and each has a garage of either 410 or 470 square feet of building area. These four comparables sold between October 2009 and October 2010 for prices ranging from \$92,000 to \$170,000 or from \$66.96 to \$95.18 per square foot of living area, including land. The appellant further reported these same four properties have improvement assessments ranging from \$20.01 to \$30.19 per square foot of living area and that the subject as an improvement assessment of \$25.06 per square foot of living area.

Based on the foregoing evidence, the appellant requested a reduction in the subject's total assessment to \$36,633 which would reflect a market value of approximately \$109,900 at the statutory level of assessment of 33.33%. In addition the appellant requested reductions in the subject's land and improvement assessments where the improvement assessment reduction would result in an improvement assessment of \$16.61 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,995. The subject's assessment reflects a market value of \$162,489 or \$89.97 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 from the township assessor reiterating the sale prices of appellant's comparables #1, #2 and #3 and noting the subject's May 2008 purchase price of \$204,218. There is also a sentence, "I have provided 3 comps .

. . .," however, there was no comparable data provided by the board of review with their submission. Based on the foregoing argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant emphasized the contention that comparable #4 that sold in October 2010 reflects the downturn in the housing market and thus, the inaccuracy of relying upon the subject's 2008 purchase price as of January 1, 2011. Additionally, the appellant reported that the subject property sold in July 2012 for \$105,000.

The appellant's rebuttal evidence was forwarded to the board of review and no other submission was made by the board of review to dispute the sale of the subject property.

#### **Conclusion of Law**

The appellant in part 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. 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 Board finds the best and only evidence of market value was presented by the appellant as the listing price of the subject property in January 2012 for \$109,900 along with evidence of four comparable sales. The Board has given reduced weight to appellant's comparable #4 as this unit is substantially smaller than the subject dwelling. The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #3. These units were most similar to the subject in size and features, although two of the comparables were superior to the subject by having basements, one of which was partially finished. These three comparables are somewhat dated because they sold in October and November 2009 for prices ranging from \$85.05 to \$95.18 per square foot of living area, including land. The subject's assessment reflects a market value of \$89.97 per square foot of living area, including land, which appears excessive given the subject's concrete slab foundation. In addition, giving due consideration to the subject's January 2012 asking price of \$109,900, which represents the upper limit of

value, along with the eventual sale of the property for \$105,000.

Based on this evidence the Board finds a reduction in the subject's assessment is justified.

The appellant also contended unequal treatment in the subject's assessment as a basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data and considering the reduction in assessment for overvaluation, the Board finds that the subject property is equitably assessed and no further reduction in the subject's assessment 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.



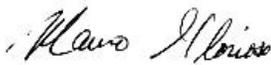
Chairman



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.