FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Ignatius Chan
DOCKET NO.: 11-01797.001-R-1
PARCEL NO.: 05-25-490-003

The parties of record before the Property Tax Appeal Board are Ignatius Chan, the appellant, by attorney Dennis M. Nolan of Dennis M. Nolan, P.C., in Bartlett, 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:	$48,165
IMPR.:	$137,070
TOTAL:	$185,235

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 dwelling of frame and masonry construction with approximately 4,223 square feet of living area. The dwelling was constructed in 2007. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage. The

property has a .12-acre site and is located in Elgin, Plato Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of $520,000 as of January 1, 2011.

The appraiser analyzed four comparable sales located from .14 to .33 of a mile from the subject property. The comparable homes consist of two-story frame and masonry dwellings that were built between 2005 and 2009. The homes range in size from 2,714 to 4,964 square feet of living area. Features include full or partial basement, two of which have finished area. Each home has central air conditioning and a three-car garage. The parcels contain either .34 of an acre or 1.62-acres of land area with three of the properties being on a golf course. These sales occurred between January and August 2010 for prices ranging from $408,942 to $543,900 or from $103.75 to $150.68 per square foot of living area, including land. Based on this evidence, the appellant requested a total assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of $191,648. The subject's assessment reflects a market value of $576,732 or $136.57 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 two-page letter from Janet M W Roush, Plato Township Assessor, who also prepared a spreadsheet containing information on four comparables sales, where two of the comparables were presented as appraisal comparables #1 and #3. In her letter, Roush noted that appraisal comparable #2 was not within Elgin city limits and features well and septic. Additionally, this comparable has substantial land area and Roush noted the land adjustment was "only $15,000." In her letter, Roush noted the common sales presented have higher per-square-foot sale prices than the subject's estimated market value per square foot.[1]

[1] Each of these common comparables are smaller dwellings when compared to the subject. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit

The two additional sales presented on behalf of the board of review consist of two-story dwellings of frame and masonry construction. The homes were built in 2009 and 2010 and contain 4,285 and 4,303 square feet of living area, respectively. Each home has a basement, central air conditioning, a fireplace and a 798 square foot garage. These two properties sold in April 2009 and October 2010 for prices of $564,042 and $569,489 or for $131.63 and $132.35 per square foot of living area, including land. Based on the foregoing data and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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. 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 has given little weight to the value conclusion of the appellant's appraisal. The Board finds appraisal sales #1 and #4 were both substantially smaller than the subject dwelling and required very large adjustments to make the properties appear more comparable to the subject property. Thus, the appraisal analysis lacks credibility and/or reliability in estimating the subject's market value in light of the poor selection of properties as presented in the report. This failure in selection of suitable comparable properties is further established by the best comparable sales in the record which were presented by the board of review.

The Board finds the best evidence of market value to be board of review comparable sales identified in the evidence as #4 and #5. These two homes are slightly newer than the subject, but are very similar in size and features to the subject. The homes sold in April 2009 and October 2010 for prices of $131.63 and $132.35 per square foot of living area, including land. The subject's assessment reflects a market value of $576,732 or $136.57 per square foot of living area, including land, which is greater than the best comparable sales in the record.

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value increases. Thus, this analysis by Roush is not persuasive on these facts.

Based on this best comparable sales evidence in the record, the 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: July 18, 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.