



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

APPELLANT: Charles Wolande
DOCKET NO.: 11-01827.001-R-1
PARCEL NO.: 09-13-477-028

The parties of record before the Property Tax Appeal Board are Charles Wolande, the appellant, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$39,579
IMPR.: \$107,189
TOTAL: \$146,768

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 part 1.5-story and a part one-story single-family dwelling of brick exterior construction with 2,926 square feet of living area. The dwelling was constructed in 1990. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a

two-car garage. The property has an 8,712 square foot site and is located in St. Charles, St. Charles 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 \$380,000 as of January 1, 2011.

Under the cost approach the appraiser estimated the subject had a site value of \$119,000. The appraiser estimated the replacement cost new of the improvements to be \$497,420. The appraiser estimated depreciation of 50% consisting of 20% for physical depreciation and 30% for economic obsolescence for a total deduction of \$248,710 resulting in a depreciated improvement value of \$248,710. The appraiser also estimated the site improvements had a value of \$20,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$390,000, rounded, under the cost approach to value.

Under the sales comparison approach to value, the appraiser analyzed five comparable sales. The comparables were described as two-story dwellings that range in size from 3,215 to 3,732 square feet of living area. The comparable parcels range in size from 12,000 to 12,993 square feet of land area. The five properties sold between June 2008 and July 2010 for prices ranging from \$304,500 to \$451,500 or from \$81.59 to \$140.44 per square foot of living area, including land.

Next, the appraiser analyzed and adjusted the comparable sales for differences from the subject. The qualitative analysis is depicted on page 18 of the appraisal report. The adjustments for dwelling size, despite all of the comparables being larger when compared to the subject, varied from equal to inferior to superior. The adjustment process also depicted all comparable parcels were superior to the subject parcel; all comparables were equal to the subject in quality of construction; and the ages of construction from 1989 to 1993 also displayed inconsistent adjustments such as comparable #3 built the same year as the subject having an upward adjustment whereas homes built in 1991 and 1989 were deemed equal to the subject. Each of the comparables was deemed equal to the subject in basement, interior upgrades and exterior upgrades including "decks, patios, pools."

Then on page 19 the appraiser wrote, "After adjustments the range of market value on a per square feet basis was from a low

of \$120.00 per square feet of land area through \$140.00 per square feet including land area." Then applying varying calculations to the subject's size, the appraiser outlined \$351,120 as being at the low end of market value and \$409,640 as being at the high end of market value. Based upon the foregoing data, the appraiser estimated the subject's market value at the mid-point of \$380,000, rounded.

Based on the foregoing evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$146,768. The subject's assessment reflects a market value of \$441,673 or \$150.95 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.

The board of review submitted a letter from Colleen Lang, St. Charles Township Assessor, along with a spreadsheet depicting both the five sales in the appellant's appraisal report and five additional sales suggested in support of the subject's assessment. In the letter, Lang noted that the subject's subdivision of Royal Fox is a golf course community with a wide variety of custom-built dwellings. The subject property is located within the gated portion of the subdivision and backs up to the golf course. The home is, however, one of the smaller residences in the subdivision.

Lang contended the appraisal processes utilized were insufficiently supported and vague. "The analysis and reasoning in the sales comparison approach is weak." She also noted that the adjustment process appeared to be "random at best" in size adjustments. She also noted there were no adjustments for location (golf course v. non-golf course v. busy street) or for partial basements v. full, and finished v. unfinished. Lang stated, "Due to the lack of data justifying the appraiser's value conclusion, the appraisal is not persuasive."

Through the assessor's spreadsheet, the board of review presented descriptions and sales data on five comparable properties, four of which were located in Royal Fox subdivision. The comparables were located from .15 to 3-miles from the subject property and consist of a one-story, a part 1.5-story and part one-story and 3 two-story frame and masonry dwellings

that were built between 1991 and 1998. The dwellings range in size from 2,258 to 3,337 square feet of living area. Features include full or partial basements, three of which have finished area, central air conditioning and garages ranging in size from 452 to 740 square feet of building area. Four of the comparables have one or two fireplaces. These five comparables sold between August 2010 and November 2012 for prices ranging from \$332,000 to \$545,000 or from \$147.03 to \$191.83 per square foot of living area, including land. In her letter, Lang contended that her most similar comparable to the subject sold in 2012 "which could conceivably be adjusted upward due to the declining economy" supports the subject's assessment.

Based on this evidence, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Upon examining the appraisal report, the Board finds that while the comparable sales were relatively similar to the subject property, the appraiser's adjustment process was so inconsistent and frenetic that the appraisal result is not credible. As noted previously in this decision, the adjustments for dwelling size and age have no consistent application. Due to the inconsistent manner in making adjustments to the comparables, the Board finds that the final value conclusion presented by the appraiser based on that adjustment process makes the appraiser's final conclusion lack credibility. In summary, the Board finds that the appraised value is not a reliable indicator of the subject's estimated market value as of the assessment date. As a consequence of this finding, the most similar raw sales presented in the appraisal will be compared along with the raw sales presented by the board of review.

The Board finds the best evidence of market value to be appraisal sales #3 and #4 along with board of review comparable

sales #1, #3 and #4 which all occurred within the subject's subdivision and occurred most proximate in time to the assessment date of January 1, 2011. The five comparables additionally were similar in dwelling size to the subject. These comparables sold for prices ranging from \$125.42 to \$181.46 per square foot of living area, including land. The subject's assessment reflects a market value of \$441,673 or \$150.95 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mario M. Lino

Member

J. R.

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

Allen Castrovillari

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.