



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

APPELLANT: Dennis & Anita Prosperi
DOCKET NO.: 11-01910.001-R-1
PARCEL NO.: 05-14-177-003

The parties of record before the Property Tax Appeal Board are Dennis & Anita Prosperi, the appellants, 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: \$53,327
IMPR: \$142,730
TOTAL: \$196,057

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 part two-story and part one-story dwelling of brick construction with approximately 5,317

square feet of living area.¹ The dwelling was constructed in 2007. Features of the home include a full unfinished walkout-style² basement, central air conditioning, three fireplaces and an attached three-car garage. The property has a 1.54-acre site and is located in Elgin, Plato Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$590,000 as of January 1, 2011 and also additionally submitted four comparable sales in the Section V grid analysis, where comparable #3 was the same property presented as appraisal sale #4.

Based on this evidence, the appellants requested a total assessment reflecting a market value of approximately \$540,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$221,132. The subject's assessment reflects a market value of \$665,459 or \$125.16 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 a memorandum, the township assessor noted that the subject is a larger, full masonry home; "its cost per square foot should be a little higher because of the brick." In support of its contention of the correct assessment the board of review through the township assessor submitted information on seven comparables sales identified as #1 - #3 and #5 - #8; two of these, #3 and #5, were also presented by the appellants. Based on this evidence, the board of review requested confirmation of the subject's assessment.

¹ The appellants' appraiser reported a dwelling size of 5,317 square feet and included a detailed schematic drawing to support the contention. The board of review reported the subject dwelling contains 5,183 square feet, and provided a property record card that lacked a schematic drawing to support the stated size. The Board finds that the appellants presented the best evidence of dwelling size on this record.

² The appellants' appraiser reported a walkout-style basement even though appellants' counsel in rebuttal repeatedly asserted that the dwelling did not have this feature. The rear of the dwelling as depicted in a photograph in the appraisal shows at least an English style basement given the basement windows.

In rebuttal, counsel for the appellants noted that board of review comparables #6, #7 and #8 were sold in 2009, dates more remote in time from the assessment date at issue of January 1, 2011. Furthermore, counsel for the appellants presented arguments as to why each of the board of review's seven comparables were dissimilar to the subject property. Differences included lot size, in-ground pool amenity, location adjacent to a forest preserve/wetlands, upgrades, garage size and/or dwelling size.

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 Property Tax Appeal Board has given reduced weight to board of review comparable sales #6, #7 and #8 as these comparables sold in 2009, a date more remote in time from the valuation date at issue of January 1, 2011. The Board also gave reduced weight to board of review comparables #1 and #2 due to differences in age, lot size and in-ground pool amenity.

The Board finds the best evidence of market value to be the appraisal submitted by the appellants with a final value conclusion of \$590,000 or \$110.96 per square foot of living area, including land, as of January 1, 2011. This estimated market value is further supported by the appellants' additional comparable sales and board of review comparables #3 and #5 after considering adjustments for differences from the subject property. The subject's assessment reflects a market value of \$665,459 or \$125.16 per square foot of living area, including land, which is above the appraised value and also above the range established by the best comparable sales in the record given adjustments for differences between the comparables and the subject property. The Board finds the subject property had a market value of \$590,000 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.



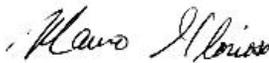
Chairman



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: September 19, 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.