



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

APPELLANT: Lawrence & Michele Mortimer
DOCKET NO.: 11-01921.001-R-1
PARCEL NO.: 09-05-302-003

The parties of record before the Property Tax Appeal Board are Lawrence & Michele Mortimer, 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: \$52,245
IMPR: \$133,855
TOTAL: \$186,100

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story frame and brick dwelling containing 4,139 square feet of living area. The home was built in 2003. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and an 818 square foot three-car garage. The dwelling is situated on .324 of an acre lot located in St. Charles Township, Kane County, Illinois.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal of the subject property prepared by Joseph Vega. The intended use of the appraisal report was to establish an equitable ad valorem tax assessment. The appraisal report conveys an estimated market value for the subject property of \$500,000 as of January 1, 2011, using the sales comparison approach to value.

Under the sales comparison approach to value, the appraiser utilized five comparable sales located from .10 to .42 of a mile

from the subject property. The comparables have lot sizes ranging from .308 to .424 of an acre of land area. The comparables were reported to consist of two-story dwellings of brick and frame exterior construction that contain from 2,979 to 3,963 square feet of living area. The dwellings were built from 2000 to 2005. The comparables feature full unfinished or finished basements, two of which feature walkouts. Other features include central air conditioning, from one to three fireplaces and three-car garages. The comparables sold from February 2010 to June 2011 for prices ranging from \$455,000 to \$560,000 or from \$115.07 to \$176.23 per square foot of living area including land.

The appraiser adjusted the comparables for differences when compared to the subject in room count, gross living area, basement & finished and rooms below grade. The adjustments resulted in adjusted sale prices ranging from \$473,500 to \$568,304, land included. Based on the adjusted sale prices, the appraiser concluded the subject had an estimated market value under the sales comparison approach of \$500,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$178,315.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$200,843 was disclosed. The subject's assessment reflects an estimated market value of \$604,403 or \$146.03 per square foot of living area including land, using Kane County's 2011 three-year average median level of assessments of 33.23%.

In support of the subject's assessment, the board of review submitted a one page letter and property record cards of four comparable sales, two of which are located within the subject's neighborhood. The board of review also included the property record cards for the appellants' comparables. The comparables were described as two-story frame, stone and brick or brick and frame dwellings containing from 3,878 to 4,399 square feet of living area. The dwellings were built from 2001 to 2003. The homes feature full partially finished basements, one of which is a walkout. Other features include central air conditioning, one or three fireplaces and garages ranging in size from 780 to 927 square feet of building area. The comparables sold from May 2008 to May 2010 for prices ranging from \$645,000 to \$790,000 or from \$151.17 to \$202.36 per square foot of living area including land.

Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

The board of review also submitted a copy of a Consent Order issued by the Illinois Department of Professional Regulation suspending Joseph Vega's appraisal license for 18 months. The Consent Order was approved September 26th, 2011, approximately four months after Vega completed the appraisal of the subject property.

Under rebuttal, the appellants argued that two of the comparables submitted by the board of review are not located in the Reserve neighborhood as is the subject.

After reviewing the evidence and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds a reduction in the subject property's assessment is warranted.

The appellants argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, Ill.App.3d 1038 (3rd Dist.2002). The Board finds the appellants did meet this burden.

The appellants submitted an appraisal report estimating the subject property had a fair market value of \$500,000 as of January 1, 2011. The board of review offered four sales in support of the subject's assessment.

The Board finds the best evidence of market value for the subject property to be comparable sales #1 through #4 contained in the appellants' appraisal. These properties were most similar to the subject in location, age and size. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$115.07 to \$145.63 per square foot of living area including land. The subject's assessment reflects a market value of \$146.03 per square foot of living area, which is above the range established by the best comparables in the record. The Board gave less weight to the board of review's comparables. Comparables #1 and #2 had sale dates greater than 12 months prior to the subject's January 1, 2011 assessment date. These sales lack probative value in establishing market value as of the subject's January 1, 2011 assessment date. Additionally, comparables #3 and #4 are not located in the Reserve neighborhood as is the subject and have finished basement area.

Therefore, the Board finds the subject's market value as reflected by its assessment is excessive and a reduction commensurate with the appellants' request 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: September 20, 2013

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.