



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

APPELLANT: David Poweleit
DOCKET NO.: 11-01936.001-R-1 through 11-01936.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are David Poweleit, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
11-01936.001-R-1	03-08-451-015	23,212	44,788	\$68,000
11-01936.002-R-1	03-08-379-014	1	0	\$1

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 indentified by parcel number (PIN) 03-08-451-015 is improved with a two-story dwelling of frame construction with 1,881 square feet of living area. The dwelling was constructed in 1997. Features of the home include an unfinished basement, central air conditioning and a two-car integral garage with 420 square feet of building area. PIN 03-

08-379-014 is an adjacent vacant lot. The property is located in Carpentersville , Dundee Township, Kane County.

With respect to PIN 03-08-451-015 the appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales. The comparables were improved with two-story dwellings that ranged of frame construction each with 1,881 square feet of living area. The dwellings were similar to the subject in features and age. The comparables were located along the same street and within same neighborhood as the subject property. The sales occurred from July 2008 to July 2010 for prices ranging from \$165,000 to \$250,000 or from \$87.72 to \$132.91 per square foot of living area. Based on this evidence the appellant requested the assessment be reduced to \$60,262, which reflects a market value of approximately \$180,805 or \$96.12 per square foot of living area.

With respect to PIN 03-08-379-014, the appellant contends due to a township quarter section his property was divided into two parcels. He asserted that PIN 03-08-451-015 is the primary parcel and has been the only parcel that the total fair cash value had been assigned to. He requested the assessment on this parcel be reduced from \$108 to \$1.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for PIN 03-08-451-015 of \$75,232. The subject's assessment reflects a market value of \$226,398 or \$120.36 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. PIN 03-08-379-014 had a total assessment of \$108.

With respect to PIN 03-08-379-014 the board of review agreed with the appellant's request to reduce the assessment to \$1.

In support of its contention of the correct assessment for PIN 03-08-451-015 the board of review submitted information provided by the Dundee Township Assessor's office. The assessor asserted appellant's comparable #1 was a foreclosure/financial institution sale. The assessor indicated the remaining two sales had prices of \$116.96 and \$132.91 per square foot of living area with the subject's assessment reflecting a market value of \$119.99 per square foot of living area, which is at the low end of the range.

In further support of the assessment for PIN 03-08-451-015 six comparable sales were submitted. The comparables were improved with two-story dwellings ranging in size from 1,829 to 2,188 square feet of living area. The comparables were constructed from 1997 to 2001 and had similar features as the subject with the exception each had a fireplace and comparable #1 had a partially finished basement. The sales occurred from September 2009 to August 2011 for prices ranging from \$225,000 to \$262,000 or from \$103.75 to \$143.25 per square foot of living area, including land.

In further support of the assessment the assessor submitted a list of equity comparables.

In rebuttal the appellant asserted his comparable sale #1 was a compulsory sale as defined under section 16-55 of the Property Tax Code (35 ILCS 200/16-55). The appellant further commented that his comparable sale #1 was used to substantiate the assessor's value for 2010. The appellant also challenged the assessor's use of sales that occurred 2011, argued the assessor failed to consider the same model homes in the subject's subdivision and argued the equity evidence should be disregarded due to the appeal not being based on equity. The appellant also submitted a series of data from the Illinois Association of Realtors on sales by county from 2008 through 2010.

Conclusion of Law

With respect to PIN 03-08-451-015 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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sales #1 through #5. These comparables offered varying degrees of similarity to the subject property and sold most proximate in time to the assessment date at issue. The comparables sold from January 2010 to August 2011 for prices ranging from \$165,000 to \$245,000 or from \$87.72 to \$122.62 per square foot of living area. The Board finds the board of review sales would require downward adjustments due to each having a fireplace that the

subject does not have. Furthermore, board of review comparable #1 has finished basement area, requiring a downward adjustment, and board of review comparable #2 has a larger garage than the subject, requiring a downward adjustment. The subject's assessment reflects a market value of \$226,398 or \$120.36 per square foot of living area, including land, which is above all but one comparable on a square foot basis. After considering the adjustments for different features for the comparables provided by the board of review, the Board finds a reduction in the subject's assessment is justified.

With respect to PIN 03-08-379-014 the Board finds that the assessment conclusion documented by the appellant and agreed to by the board of review is correct and that a reduction in the assessed valuation is appropriate.

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.