



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

APPELLANT: Roger Johnson
DOCKET NO.: 11-01941.001-R-1
PARCEL NO.: 03-27-254-011

The parties of record before the Property Tax Appeal Board are Roger Johnson, the appellant, 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: \$24,910
IMPR.: \$38,227
TOTAL: \$63,137**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a split-level single-family dwelling of frame and masonry construction containing 2,064 square feet of living area.¹ The dwelling was constructed in 1974. Features of the home include a finished lower level, central air conditioning, a fireplace and an attached two-car garage. The property has a .19-acre site located in West Dundee, Dundee Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$190,000 as of January 1, 2011. The appraisal was prepared by Elyce Meador, a State of Illinois certified real estate appraiser. In

¹ The appellant reported the subject dwelling as containing 2,064 square feet of living area which is the same figure depicted on the property record card maintained by the assessing officials. The appellant's appraiser reported an above-grade living area of 1,408 square feet of living area with 746 square feet of finished area in the lower level for a total finished area of 2,154 square feet in the dwelling.

estimating the market value of the subject property the appraiser developed the cost and the sales comparison approaches to value.

As part of the report, the appraiser also prepared a Market Conditions Addendum to Appraisal Report noting that there were 22 foreclosure or court ordered sales in the prior twelve month period in the immediate vicinity (zip code) which represents 25% of the sales. As such, the appraiser noted these sales are a factor in the market requiring sellers to lower list and sales prices. "Foreclosures are still selling below market."

Under the cost approach the appraiser estimated the subject had a site value of \$25,000 which was abstracted from recent sales of similar sized parcels. The appraiser estimated the replacement cost new of the improvements to be \$186,380. The appraiser estimated physical depreciation to be \$28,665 based on the age/life method resulting in a depreciated improvement value of \$157,715. The appraiser also estimated the site improvements had a value of \$7,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$189,715 under the cost approach to value.

Using the sales comparison approach the appraiser provided information on five comparable sales located from .33 to 1.27-miles from the subject property. The comparables were described as split-level or two-story dwellings of frame or frame and masonry construction that range in size from 1,248 to 1,677 square feet of living area. The dwellings range in age from 36 to 69 years old. Features of the comparables include a finished lower level or a finished basement, central air conditioning and a one-car or a two-car garage. Two of the comparables have a fireplace. The five comparables have sites ranging in size from .12 to .52-acres of land area. The comparables sold from January to September 2010 for prices ranging from \$165,000 to \$259,000 or from \$132.21 to \$161.47 per square foot of living area, including land. After making adjustments to the comparables for sales/financing concessions and/or date of sale/time and/or for differences from the subject in site, view, design, exterior construction, age, room count, gross living area, basement & finish, rooms below grade, garage size and/or other amenities, the appraiser estimated the comparables had adjusted prices ranging from \$184,055 to \$211,135 or from \$115.09 to \$147.48 per square foot of living area, including land. Based on this data the appraiser estimated the subject had an estimated value under the sales comparison approach of \$190,000 or \$134.94 per square foot of living area, including

land, based on the appraiser's size determination of 1,408 square feet of above-grade living area.

In reconciling the two approaches to value the appraiser estimated the subject property had a market value of \$190,000 as of January 1, 2011. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$71,660 was disclosed. The subject's assessment reflects a market value of \$215,649 or \$104.48 per square foot of living area, including land, when applying 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 the subject's assessment the board of review submitted a memorandum prepared by personnel of the Dundee Township Assessor's Office. The memorandum asserted the appraisal has only one sale in the subject's neighborhood (Sale #1), an estate sale. The remaining sales in the appraisal report were "outside of Dundee Highlands." The assessing officials further noted the design differences in sales #4 and #5 as presented in the appraisal report. "All were 2010 sales. None of these should be considered."

In support of the subject's estimated market value as reflected by its assessment, the township assessor provided information on two comparable sales located in Dundee Highlands. The comparables are improved with split-level style dwellings of frame construction that each contains 1,868 square feet of living area. The dwellings were constructed in 1958 and 1959. Features of the comparables include finished lower level area, central air conditioning and a garage of either 440 or 484 square feet of building area. The comparables have sites of .17 and .18-acres of land area. These two comparables sold in April 2008 and April 2009 for prices of \$217,500 and \$230,000 or for \$116.43 and \$123.13 per square foot of living area, including land.

The township assessor also provided a grid analysis of five equity comparables which is not responsive to the appellant's overvaluation appeal and thus, this evidence will not be further addressed on this record.

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

In written rebuttal, counsel for the appellant contended appellant's appraiser's comparables #1, #2 and #3 are within the same school district and otherwise provide similar amenities to the subject. Furthermore, appraisal comparables #4 and #5 were "provided in closer proximity to the subject as a measure of the neighborhood." As to the assessor's sales, counsel pointed out these occurred remote in time to the assessment date and are not as proximate to the assessment date as the sales contained within the appellant's appraisal report.

Counsel additionally pointed out amenities for the two comparable sales that are not present in the subject property such as a walkout-style basement, additional bathrooms, a screened porch and an adjacent vacant lot.

After reviewing the record 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 Board further finds a reduction in the subject's assessment is warranted.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 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 finds the best evidence of market value to be the appraisal of the subject property submitted by the appellant. The appellant's appraiser developed the cost and sales comparison approaches to value and gave most weight to the sales comparison approach. The sales comparables #1, #2 and #3 utilized by the appraiser were similar to the subject in size, style, exterior construction, features, age and/or land area. The appraiser also provided comparables #4 and #5 which were located in close proximity to the subject, despite the fact that these properties were improved with two-story dwellings. These five properties provided by the appellant's appraiser also sold

in 2010, a date most proximate in time to the assessment date at issue when compared to the two sales presented by the township assessor on behalf of the board of review. The appraiser presented logical and consistent adjustments for differences from these properties when compared to the subject.

The appraised value of the subject property of \$190,000 is below the market value reflected by the assessment of \$215,649. The Property Tax Appeal Board has given less weight to the two comparable sales presented by the board of review due to the dates of sale not being proximate in time to the assessment date at issue. These two comparables sold in April 2008 and April 2009, which are dates from 20 to 32 months before the assessment date at issue of January 1, 2011. Additionally, in rebuttal, counsel for the appellant pointed out various amenities that these comparable sales have which are not present with the subject property including, an adjacent vacant lot.

Based on this record the Board finds the subject property had a market value of \$190,000 as of January 1, 2011. Since market value has been determined the 2011 three year average median level of assessment for Kane County of 33.23% 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.

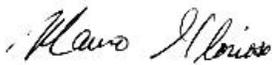


Chairman



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: April 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.