



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

APPELLANT: Neil Davis
DOCKET NO.: 11-01942.001-R-1
PARCEL NO.: 03-05-177-026

The parties of record before the Property Tax Appeal Board are Neil Davis, 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 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: \$20,659
IMPR.: \$69,059
TOTAL: \$89,718

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 two-story dwelling of brick and frame construction with 2,672 square feet of living area. The dwelling was constructed in 1994. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and an attached two-car garage. The property has a

15,120 square foot site and is located in Algonquin, Dundee 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 \$250,000 as of January 1, 2010. In addition, the appellant submitted data on 18 comparable sales in the Section V grid analysis of the appeal petition.

Based on this evidence, the appellant requested a total assessment reflective of a market value of approximately \$160,750 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 \$89,718. The subject's assessment reflects a market value of \$269,991 or \$101.04 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 memorandum from the Dundee Township Assessor's Office contending that numerous of the appellant's comparable sales were foreclosures and short sales. In addition, appellant's comparable #3 was much smaller than the subject dwelling and comparable #4 is not in Dundee Township. According to the township assessor "none of these are a good basis for comparison."

There was no response to the appellant's appraisal report.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales. Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant contended that in accordance with recent changes to the Property Tax Code, the Property Tax Appeal Board should consider foreclosure and short sales. Additionally, as to the board of review's comparables, the appellant argued that comparable #6 sold in June 2013, a date remote in time from the valuation date at issue of January 1, 2011. Furthermore, based in particular upon Multiple Listing Service data sheets, the appellant contended that each of the board of review's comparable sales were superior in quality to

the subject in finished basement, rehabilitation, number of bathrooms, location/view, garage size and/or age.

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.

The Property Tax Appeal Board has given reduced weight to the appellant's appraisal report with a value conclusion as of January 1, 2010 as this opinion was based upon six sales of properties that occurred between February and December 2009, dates which are more remote in time from the valuation date at issue in this matter of January 1, 2011 and thus less likely to be indicative of the subject's market value.

Having examined the entire record, the Board finds the best evidence of market value to be the appellant's comparable sales #1 and #6 along with board of review comparable sales #2, #3, #4 and #5. These six comparables sold between May 2011 and September 2012 for prices ranging from \$60.79 to \$113.46 per square foot of living area, including land. The subject's assessment reflects a market value of \$269,991 or \$101.04 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. F...

Member

Richard A. ...

Member

Mark ...

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 19, 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.