



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

APPELLANT: Chad Cross  
DOCKET NO.: 11-01952.001-R-1  
PARCEL NO.: 02-25-326-085

The parties of record before the Property Tax Appeal Board are Chad Cross, 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:** \$14,885  
**IMPR.:** \$33,080  
**TOTAL:** \$47,965

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story frame and masonry single family townhouse containing 1,599 square feet of living area. The home was built in 2006. Features of the home include a partial unfinished basement, central air conditioning and a two-car 440 square foot garage. The property is located in the Timber Trails Neighborhood, Rutland Township, Kane County, Illinois.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted 26 suggested comparable sales located in the Timber Trails Neighborhood. The comparables consist of townhomes of frame or

frame and masonry construction containing from 1,181 to 1,808 square feet of living area. The townhouses were built from 2002 to 2006. Thirteen comparables have full or partial basements that are either unfinished or finished. Other features of the comparables include central air conditioning and two-car garages. Three comparables have a fireplace. The sales occurred from February 2010 to December 2011 for prices ranging from \$67,900 to \$166,000 or from \$50.99 to \$109.13 per square of living area including land.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling \$59,994 was disclosed. The subject's assessment reflects an estimated market value of \$180,542 or \$112.91 per square foot of living area including land using Kane County's 2011 three-year median level of assessments of 33.23%.

In response to the appellant's evidence, the board of review submitted notes from the assessor arguing that the appellant's comparable #2 is the only comparable submitted by the appellant which is the same model as the subject. In addition, the appellant's comparables #11, #19 and #22 are dissimilar duplex homes, comparables #1 and #25 "are the same", comparables #1, #8, #11, #15, #16, #17, #19, #23 and #24 are Special Warranty Deed sales, comparable #9 was a Trustee sale, comparables #11, #24 and #25 had previous Sheriff's sales in the same year and comparable #13 was an unadvertised bank sale.

In support of the subject's assessment, the board of review submitted 3 grid analyses. The first grid was comprised of four sales that occurred from March to December 2009. A second grid was comprised of five assessment comparables, one of which was a 2011 sale used in their third grid. The third grid analysis was comprised of five suggested comparable sales that occurred from October 2005 to September 2011. The 2011 sale, which is comparable #3, is located in the Timber Trails Neighborhood. The comparable consists of a two-story frame and masonry townhomes containing 1,599 square feet of living area. The home was built in 2005. Features of the home include an unfinished basement, central air conditioning and an attached 440 square foot garage. The sale occurred in September 2011 for \$268,403 or \$167.86 per square foot of living area including land.

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

In rebuttal, the appellant submitted a four page brief containing criticisms of the board of review's comparables. In addition, the appellant submitted the Illinois Real Estate Transfer Declaration, PTAX-203, for the board of review's comparable #3 disclosing that the property was not advertised for sale.

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 argued the subject property is 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, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); 86 Ill.Admin.Code §1910.63(e). After an analysis of the evidence, the Board finds the appellant has overcome this burden.

The record contains 4 grid analyses submitted by the parties. The Board gave less weight to the board of review's evidence. The Board finds the assessment equity grid does not address the appellant's overvaluation argument and therefore received no weight. The Board further finds that eight of the sales submitted by the board of review are aged sales that occurred from October 2005 to December 2009 and would not be reflective of the subject's real estate market as of the subject's January 1, 2011 assessment date. The Board finds sale #3, which occurred in March 2011, was not advertised for sale and therefore would not be considered an arm's-length-transaction. The Board gave less weight to the appellant's comparables #11, #19 and #22 due to their dissimilar duplex design, when compared to the subject's single family design. The Board gave less weight to the appellant's comparable's #1, #2, #3, #4, #10, #12, #13, #14, #17, #18, #20, #24 and #25 due to their lack of a basement foundation, which the subject enjoys. The Board also gave less weight to the appellant's comparables #6, #15, #16, #21 and #26 due to their finished basement area, which the subject lacks. The Board finds the remaining five sales submitted by the appellant were most similar to the subject in location, age, size and features. These sales also sold most proximate to the subject's January 1, 2011 assessment date. The

sales occurred from February 2010 to February 2011 for prices ranging from \$106,900 to \$155,000 or from \$62.08 to \$90.27 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$180,542 or \$112.91 per square foot of living area including land, which falls above the range established by the best comparables in this record. After adjusting the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive and a reduction 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.



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: January 24, 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.