



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

APPELLANT: Matthew & Erin Walberg
DOCKET NO.: 12-01080.001-R-1
PARCEL NO.: 06-12-129-015

The parties of record before the Property Tax Appeal Board are Matthew and Erin Walberg, 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 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: \$9,174
IMPR.: \$42,731
TOTAL: \$51,905

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 2012 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 one-story single family dwelling of brick construction with 1,624 square feet of living area. The dwelling was constructed in 1936 and is approximately 76 years old. Features of the home include a full basement, one fireplace and a detached two-car garage with 360 square feet of

building area.¹ The property has a 6,621 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on five comparable sales improved with one-story dwellings that ranged in size from 1,472 to 1,883 square feet of living area. The comparables ranged in age from 18 to 62 years old. The sales occurred from December 2011 to August 2012 for prices ranging from \$56,000 to \$165,000 or from \$35.05 to \$90.02 per square foot of living area, including land. The appellants submitted copies of the Multiple Listing Service (MLS) sheets for the comparables. Comparables #1 and #5 were described as REO/Lender Owned, Pre-Foreclosure properties; comparables #3 and #4 were each described as a "short sale"; comparable #2 was described as, "Needs TLC. Priced to Sell, Sold As-Is"; and sale #5 was sold "As Is." The appellants requested the subject's assessment be reduced to \$23,542.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$51,905. The subject's assessment reflects a market value of \$155,637 or \$95.84 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with three, one-story dwellings and one 1.5-story dwelling that ranged in size from 1,074 to 1,578 square feet of living area. The dwellings were constructed from 1930 to 1954. Three comparables were described as having finished basements; three comparables have one or two fireplaces; and each comparable had an attached or detached garage ranging in size from 226 to 324 square feet of building area. The sales occurred from April 2010 to June 2011 for prices ranging from \$131,000 to \$171,500 or from \$95.00 to \$128.49 per square foot of living area, including land.

In rebuttal the appellants' attorney asserted that comparables #2, #3 and #4 sold in 2010, remote in time from the assessment date. She also commented on the different features of the comparables as opposed to the subject property. The appellants' counsel submitted copies of the MLS listing sheets for the board of review comparables.

¹ The board of review described the subject as having a finished basement.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted information on nine comparable sales to support their respective positions. Little weight was given appellants' comparables #1 and #4 due to age and the fact that sale #1 was described as REO/Lender Owned, Pre-Foreclosure and sale #5 was a short sale. Appellants' comparables #3 and #4 were also described as short sales, which detract from the weight that can be given these sales. The remaining sales, appellants' sale #2 and the board of review comparables, had varying degrees of similarity to the subject property and were given the most weight. Appellant's comparable #2 appears to be inferior to the subject in condition based on the description on the MLS listing and board of review sale #4 being a 1.5-story dwelling differed from the subject in style but was very similar in age and brick construction. These properties sold for prices ranging from \$85.86 to \$128.49 per square foot of living area, including land. The subject's assessment reflects a market value of \$95.84 per square foot of living area, including land, which is within the range established by the best comparable sales in this 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.

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 22, 2015



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.