



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

APPELLANT: Brian Navarro
DOCKET NO.: 12-01198.001-R-1
PARCEL NO.: 02-28-455-010

The parties of record before the Property Tax Appeal Board are Brian Navarro, the appellant, by attorney Dennis M. Nolan of Dennis M. Nolan, P.C. in Bartlett; 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: \$9,512
IMPR.: \$31,008
TOTAL: \$40,520**

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 is improved with a two-story townhome of brick and vinyl exterior construction with 1,643 square feet of living area.¹ The dwelling was constructed in approximately

¹ The board of review submitted a copy of the subject's property record card indicating the subject property had 1,557 square feet of living area. The Board finds the best evidence of size to be the appraisal, which contained a

2006. Features of the home include a slab foundation, central air conditioning, one fireplace and a two-car attached garage. The property has a 1,820 square foot site and is located in Pingree Grove, Rutland 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 \$115,000 as of May 16, 2012. The appraisal was prepared by Robert Meixner, a certified residential real estate appraiser. The appraisal was for a refinance transaction and the client was identified as Fifth Third-Wholesale. The appraiser developed the cost approach to value and the sales comparison approach to value. Using the cost approach to value the appraiser estimated the subject had a market value of \$166,100.

The appraiser developed the sales comparison approach using five comparable sales and one listing located in Pingree Grove that ranged in size from 1,390 to 1,758 square feet of living area. Sales #1 through #5 sold from August 2011 to March 2012 for prices ranging from \$97,910 to \$130,000 or from \$64.50 to \$76.43 per square foot of living area, including land. Comparable #6 was an active listing for a price of \$120,000 or \$72.64 per square foot of living area, including land. The appraiser made adjustments to the comparables to account for differences from the subject property and arrived at adjusted prices ranging from \$114,810 to \$125,700. The appraiser estimated the subject had an indicated value under the sales comparison approach of \$115,000. The appraiser gave most credence to the sales comparison approach in arriving at the appraised value.

Based on this evidence the appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$48,919. The subject's assessment reflects a market value of \$146,684 or \$89.28 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 rebuttal the board of review provided a grid analysis of the appellant's appraiser's sales and identified sales #3 and #4 as "short sales."

schematic diagram of the subject property with dimensions and area calculations.

In support of its contention of the correct assessment the board of review submitted copies of the Multiple Listing Service (MLS) sheets on three comparable sales of two-story townhomes that were reported to range in size from 1,728 to 1,760 square feet of living area. The sales occurred from September 2011 to December 2011 for prices ranging from \$126,500 to \$132,000. The MLS sheet for the first comparable was the same property as appraisal sale #1.

The board of review also submitted a grid analysis of seven comparable sales identified by the township assessor. The comparables were improved with townhomes located in the subject's neighborhood that were the same model as the subject property, each with 1,557 square feet of living area. The homes ranged in age from 2009 to 2012. The sales occurred from November 2009 to June 2012 for prices ranging from \$154,900 to \$182,180 or from \$99.49 to \$117.01 per square foot of living area, including land.

The board of review indicated in its submission that it was willing to stipulate to a revised assessment of \$43,329, which reflects a market value of approximately \$130,000, based upon those sales that occurred between January 1, 2011 and January 1, 2012.

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 evidence in the record supports a reduction in the subject's assessment.

The appellant submitted an appraisal estimating the subject property had a market value of \$115,000 as of May 16, 2012, giving most weight to the sales comparison approach to value. The board of review also submitted information on three comparable sales as well as a grid analysis of seven sales provided by the township assessor. Of the sales in the record, the Board gives most weight to appraisal comparable sales #1, #2 and #5 and the three sales provided by the board of review, one of which was a duplicate of appraisal comparable sale #1. These

comparables sold from August 2011 to March 2012 for prices ranging from \$115,000 to \$132,000 or from \$69.57 to \$76.43 per square foot of living area, including land. The subject's assessment reflects a market value of \$146,684 or \$89.28 per square foot of living area, land included, which is above the range established by the best comparable sales in the record. Less weight was given the remaining three sales in the appraisal due to two comparables being described as "short sales" and one comparable was an active listing. The Board also gave less weight to the sales provided by the township assessor as comparable sales #3 and #5 did not occur proximate in time to the assessment date at issue and each of the remaining sales appeared to be new as of the date of sale. Based on this evidence the Board finds a reduction in the subject's assessment is 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.

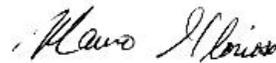
Chairman



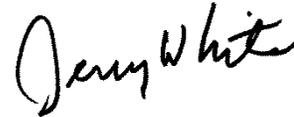
Member



Member



Member



Acting 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: June 26, 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.