



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

APPELLANT: Adam Morrow
DOCKET NO.: 12-01342.001-R-1
PARCEL NO.: 09-20-203-003

The parties of record before the Property Tax Appeal Board are Adam Morrow, the appellant, 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: \$62,278
IMPR.: \$19,430
TOTAL: \$81,708

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 split-level single-family dwelling of stone and frame exterior construction with approximately 1,980 square feet of above-grade living area.¹ The

¹ The assessing officials describe the subject as a two-story dwelling and report a total living area of 2,077 square feet as compared to the appellant's 2012 appraisal report with a dwelling size of 1,980 square feet which is supported by a detailed schematic drawing with calculations. The

dwelling was constructed in 1963. Features of the home include a partial unfinished basement, two fireplaces and both an attached 455 square foot garage and a detached 1,120 square foot garage. The property has a 1.56-acre site and is located in St. Charles, St. Charles Township, Kane County.

The appellant contends overvaluation as the basis of the appeal.

In support of this argument the appellant (1) completed Section IV - Recent Sale Data reporting that on December 29, 2009 the property was purchased for \$255,000; (2) an appraisal of the subject property with an estimated market value of \$268,000 as of November 2009; (3) an appraisal of the subject property with an estimated market value of \$245,000 as of August 2012; and (4) a comparative market analysis prepared by a Realtor consisting of limited descriptions of 26 sales and listings with the Realtor's suggested listing price of the subject property as \$247,100 as of September 2012.

Based on this evidence, the appellant requested a total assessment of \$81,667 which would reflect a market value of approximately \$245,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$108,685. The subject's assessment reflects a market value of \$325,892 or approximately \$164.59 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.

The board of review submitted a memorandum from Diane Hemmingsen, Chief Residential Deputy Assessor with St. Charles Township. She noted that there were duplications of properties presented in the appellant's various appraisal reports and the market analysis. She then reiterated ten of the appellant's comparable sales that occurred between 2009, 2010 and 2011.

In support of its contention of the correct assessment the board of review through the township assessor's office submitted information on nine additional comparable sales that occurred between August 2009 and June 2011 for prices ranging from \$325,000 to \$415,000 or from \$154.05 to \$219.58 per square foot of living area, including land.

Board finds the slight discrepancy in dwelling size does not prevent a determination of the subject's correct assessment on this record.

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

In written rebuttal, the appellant contended that the board of review's comparable dwellings each feature central air conditioning which is not a feature of the subject property. He further contended that none of the comparables presented by the board of review have partial unfinished basements and living area square footage within 20% of the subject's dwelling size. Lastly, the appellant noted that the subject's land assessment appears to be greater than comparable parcels that are even larger than the subject. The appellant contends that comparables he presented include wooded parcels, representative of the subject property.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board has given reduced weight to the December 2009 purchase price of the subject property for \$255,000 as this sale date is remote in time to the valuation date at issue of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. Similarly, the Board has given reduced weight to the appraisal of the subject property with an estimated market value of \$268,000 as of November 2009 as this data is likewise remote in time to the valuation date.

The Property Tax Appeal Board has given little weight to board of review comparable sales #2 through #6, #8 and #9 as these seven sales occurred on dates between August 2009 and October 2010 which dates are remote in time to the valuation date of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be the appellant's appraisal report with an estimated market value of \$245,000 as of August 2012 which is further supported by the

market analysis with a suggested listing price of the subject of \$247,100.

The subject's assessment reflects a market value of \$325,892 or \$164.59 per square foot of living area, including land, which is above the appraised value and also above the suggested listing price of the subject property prepared by the Realtor after consideration of 26 suggested comparable properties. The Board finds the appellant's appraisal report appears to be well-prepared and credible with reasonable and consistent adjustments for differences between the comparable properties and the subject which were further explained in a detailed Supplemental Addendum within the report. The Board finds the sales and listings presented in the appraisal report are proximate in time to the assessment date with time adjustments only made to the two listings.

The board of review comparable sales #1 and #7 were not adjusted for differences from the subject and sold in March and June 2011 for prices of \$154.05 and \$187.14 per square foot of living area, including land, which due to differences when compared to the subject fails to support the subject's estimated market value as reflected by its assessment.

Based on this record, the Property Tax Appeal Board finds the subject property had a market value of \$245,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for Kane County of 33.35% as determined by the Illinois Department of Revenue 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

Klaus Albino

Member

[Signature]

Member

Member

Jerry White

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: July 24, 2015

[Signature]

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.