



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

APPELLANT: James Rowoldt  
DOCKET NO.: 12-02240.001-R-1  
PARCEL NO.: 02-14-354-011

The parties of record before the Property Tax Appeal Board are James Rowoldt, the appellant, by attorney Jerri K. Bush in Chicago, and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$15,970  
**IMPR.:** \$73,832  
**TOTAL:** \$89,802

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kendall 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 two-story dwelling of brick and frame construction with 4,120 square feet of living area. The dwelling was constructed in 2005. Features of the home include an unfinished basement, central air conditioning, a

fireplace and a 962 square foot garage. The property has a 12,078 square foot site and is located in Yorkville, Bristol Township, Kendall County.

The appellant, through counsel, argued the subject was overvalued based on the subject's recent sale and an analysis of comparable sales. In support of this argument the appellant submitted evidence disclosing the subject property was purchased from the U.S. Department of Housing and Urban Development (HUD) in February 2010 for a price of \$230,000 or \$55.83 per square foot of living area, including land. The appellant's evidence did not disclose the amount of time the subject was on the real estate market.

The appellant's evidence included a comparative market analysis with information on six suggested comparable sales prepared by Pro Tax Appeal. The author of the comparative market analysis was not present at the hearing. The comparables were improved with dwellings of brick and frame exterior construction that ranged in size from 3,118 to 4,238 square feet of living area. The lot sizes of the comparables were not disclosed. The comparables were located within .7 of a mile from the subject. The dwellings were constructed from 2005 to 2008. Other features of the comparables included unfinished basements, central air conditioning and garages ranging in size from 400 to 640 square feet of building area. Three comparables had a fireplace. These properties sold from April 2011 to March 2012 for prices ranging from \$184,500 to \$225,000. Based on these sales, the author of the analysis concluded an average price per square foot of \$59.00 and average days on the market of 192.

The appellant's attorney called no witness at hearing.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$69,576.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$105,935. The subject's assessment reflects a market value of \$318,506 or \$77.31 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kendall County of 33.26% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales identified by the chief county assessment officer. The

comparables were improved with two-story dwellings of brick and frame construction that ranged in size from 3,584 to 3,884 square feet of living area. The dwellings were constructed from 2005 to 2007. The comparables were located in the subject's Grande Reserve subdivision and each had similar features as the subject property. These properties sold from November 2011 to November 2012 for prices ranging from \$255,000 to \$282,500 or from \$69.52 to \$76.43 per square foot of living area, including land.

The Kendall County Assistant State's Attorney called Kendall County Chief County Assessment Officer, Andy Nicolotti, as a witness. Nicolotti testified that the subject's February 2010 sale date was not considered recent and therefore it was not reflective of market value. Nicolotti further testified that the appellant's comparable sale #6 was the only property submitted by the appellant that was similar in size to the subject. The remaining comparables submitted by the appellant were inferior to the subject due to their smaller sizes.

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

#### **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 finds the best evidence of the subject's market value as of January 1, 2012 to be the comparable sales submitted by the board of review. The Board finds the appellant presented evidence disclosing the subject property sold 22 months prior to the assessment date at issue for a price of \$230,000 or \$55.83 per square foot of living area, including land. The evidence provided by the appellant indicated the subject property was advertised for sale but was sold by a financial institution (HUD).

However, counsel did not know how long the property was exposed to the market. Considering the subject's date of sale and

without more evidence concerning the condition of the subject dwelling at the time of sale that may justify such a low price relative to the best comparable, the Board finds the sale does not appear to be indicative of fair cash value. These facts detract from the weight of the subject's sale price. The Board finds the appellant's market analysis relied on six properties, five of which were considerably smaller when compared to the subject.

The board of review provided information on three comparable sales that were similar to the subject property, located in the subject's subdivision and sold proximate to the assessment date at issue. One of properties sold in 2011 and two sold in 2012 for prices ranging from \$255,000 to \$282,500 or a relatively tight range from \$69.52 to \$76.43 per square foot of living area, including land. In its final analysis, the Board gave most weight to the board of review's comparable #2 as being the most similar comparable when compared to the subject. This home was located across the street from the subject, has approximately the same size lot and was a similar Gladstone model as the subject. This comparable sold in November 2011 for a price of \$270,000 or \$69.52 per square foot of living area, including land. The subject's assessment reflects a market value of \$318,506 or \$77.31 per square foot of living area, including land, which is above the market value of the best comparable in this record. Therefore, the Board finds the subject's assessment should be reduced to reflect a price of \$270,000 reflecting the market value of the best comparable in this record. Since market value has been established, the three-year median level of assessments for Kendall County for 2012 of 33.26% shall be applied.

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.



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Chairman



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Member



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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 23, 2015



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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.