



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

APPELLANT: Timothy Ramseyer & Patrick Koziol  
DOCKET NO.: 13-02349.001-R-1  
PARCEL NO.: 06-24-404-011

The parties of record before the Property Tax Appeal Board are Timothy Ramseyer & Patrick Koziol, the appellants, by attorney Jerri K. Bush in Chicago, 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:** \$3,908  
**IMPR.:** \$8,084  
**TOTAL:** \$11,992

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 part one-story and part two-story dwelling of frame construction with 1,181 square feet of living area. The dwelling was constructed in 1930. Features of the home include a full unfinished basement and an attached 240 square foot garage. The property has a 2,772 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on June 15, 2011 for a price of \$36,000. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,664. The subject's assessment reflects a market value of \$80,048 or \$67.78 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a memorandum contending that the subject was purchased as a foreclosure sale in June 2011.<sup>1</sup> In addition, the board of review submitted information on six comparable sales to support the subject's current assessment. Based on this evidence, the board of review requested confirmation of the assessment.

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

The Board finds the best evidence of market value to be the purchase of the subject property in June, 2011 for a price of \$36,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had

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<sup>1</sup> The memorandum also states that the appellants submitted seven comparable sales. The appellants' evidence before the Property Tax Appeal Board only concerns the sale of the subject property.

been on the market for 129 days. The listing information reflects an original asking price of \$59,900 which had subsequent reductions before the asking price became \$37,500. In further support of the transaction the appellants submitted a copy of the Settlement Statement reflecting the purchase price and date along with the payment of brokers' fees.

The Property Tax Appeal Board finds the purchase price of \$36,000 is below the market value of \$80,048 reflected by the assessment. The Board has given little weight to the sales submitted by the board of review. Comparable sales #4 through #6 occurred in 2010 and as these sales are remote in time to the valuation date at issue of January 1, 2013 are deemed to have less probative value as to the subject's market value as of the assessment date. The Board has also given reduced weight to board of review comparable sales #1 through #3 in light of the appellant's arm's length sale transaction of the subject property. These three board of review sales occurred from April to December 2011 for prices ranging from \$95,000 to \$112,900. These comparables had varying degrees of similarity to the subject property, but the Property Tax Appeal Board finds the board of review did not present sufficient evidence to challenge the arm's length nature of the sale transaction or to refute the contention that the purchase price was reflective of market value.

Based on this record the Board finds the subject property had a market value of \$36,000 as of January 1, 2013. Since market value has been determined the 2013 three year average median level of assessment for Kane County of 33.31% 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.

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Chairman



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Member



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Member

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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: May 22, 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.