



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

APPELLANT: Golden Hwang
DOCKET NO.: 12-01444.001-R-1
PARCEL NO.: 14-10-106-001

The parties of record before the Property Tax Appeal Board are Golden Hwang, the appellant, 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 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: \$ 20,935
IMPR.: \$ 83,004
TOTAL: \$ 103,939

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 2013 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 brick dwelling that has 2,992 square feet of living area. The dwelling was constructed in 2004. Features include an unfinished basement, central air conditioning, a fireplace and a three-car attached

garage. The subject property has a .29 acre site. The subject property is located in Sugar Grove Township, Kane County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a limited market analysis of five suggested comparable sales courtesy of Rick Robin, Midwest Real Estate Data, LLC. The analysis was not dated nor was the professional credentials of the person(s) who prepared the report disclosed. The comparables are located from .58 to .87 of a mile from the subject property. The comparables had varying degrees of similarity and dissimilarity when compared to the subject in design, dwelling size, age, foundation type, features and land area. The comparables sold from May 2011 to March 2012 for prices ranging from \$199,000 to \$294,000 or from \$69.95 to \$103.67 per square foot of living area including land.

Based on the comparable sales, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$103,939. The subject's assessment reflects an estimated market value of \$311,661 or \$104.17 per square foot of living area including land when applying the 2012 three-year average median level of assessment for Kane County of 33.35%. In support of the subject's assessment, the board of review submitted photographs, a letter from the township assessor addressing the appeal and seven suggested comparable sales.

With respect to the evidence submitted by the appellant, the township assessor indicated the subject is a custom built home, whereas the appellant's comparables are townhomes or homes that are not custom built. The assessor indicated three comparables sold through "special warranty deeds" and two comparables are townhomes. However, the assessor failed to specifically identify the townhomes by comparable number, address or parcel number.

In support of the subject's assessment, the board of review submitted a detailed analysis of seven suggested comparable sales. The assessor explained the comparables are located in Windstone or Black Walnut Trails subdivisions, which are contiguous subdivisions comprised of custom built homes like the subject. The comparables had varying degrees of similarity and dissimilarity when compared to the subject in design, dwelling

size, age and features. The comparables sold from April 2012 to December 2012 for prices ranging from \$277,000 to \$431,415 or from \$78.75 to \$158.67 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant argued five of the comparables sold after July 2012 and should not be used to determine value of the subject property for the 2012 tax year.

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 failed to meet this burden of proof and no reduction in the subject's assessment is warranted.

The parties submitted twelve suggested comparable sales for the Board's consideration. The Board gave little weight to appellant's comparables #2, #4 and #5. These comparables are located in different subdivisions than the subject and comparables #2 and #5 are of a dissimilar design when compared to the subject. Additionally, comparable #4 is older in age than the subject. The Board also gave less weight to comparables #2, #6 and #7 submitted by the board of review due to their older age when compared to the subject. In addition, comparable #2 is of dissimilar design and comparables #6 and #7 are considerably larger dwellings when compared to the subject.

The Board finds the best indicators of the subject's market value are appellant's comparables #1 and #3 and board of review comparables #1, #3, #4 and #5. These comparables were most similar to the subject in location, age, size, design, features and sold more proximate to the January 1, 2012 assessment date. These most similar comparables sold for wide ranging prices from \$199,000 to \$431,415 or from \$69.95 to \$158.67 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$311,661 or \$104.17 per square foot of living area including land, which is well supported by the most similar comparable sales contained in this

Docket No: 12-01444.001-R-1

record. Based on this analysis, the Board finds no reduction in the subject's assessment is warranted.

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.