



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

APPELLANT: Anderson Partners, LLC
DOCKET NO.: 12-01610.001-R-1
PARCEL NO.: 09-29-226-015

The parties of record before the Property Tax Appeal Board are Anderson Partners, LLC, the appellant, by attorney John T. Wittenstrom, of the Law Office of John T. Wittenstrom in St. Charles, 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: \$27,597
IMPR.: \$45,913
TOTAL: \$73,510

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 one-story single-family dwelling of frame construction with 2,214 square feet of living area. The dwelling was constructed in 1954. Features of the home include a crawl-space foundation, central air conditioning, two fireplaces and a detached 720 square foot garage. The property has a one-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 submitted information on three comparable sales located within one mile of the subject

property. The comparables consist of one-story dwellings of frame or brick exterior construction that were built between 1950 and 1961. The homes range in size from 1,392 to 1,875 square feet of living area and feature crawl-space foundations, central air conditioning and garages of 400 or 480 square feet of building area. One of the comparables has a fireplace. The parcels range in size from 10,000 to 13,000 square feet of land area. These comparables sold between April 2011 and November 2011 for prices ranging from \$133,000 to \$190,000 or from \$95.55 to \$102.10 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$63,333 which would reflect a market value of approximately \$190,000 or \$85.82 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$75,041. The subject's assessment reflects a market value of \$225,010 or \$101.63 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 Colleen Lang, St. Charles Township Assessor, who provided a copy of the 2011 refinance appraisal of the subject property with an estimated market value of \$225,000 as of June 13, 2011. According to Lang, the appellant submitted this appraisal to the board of review for the subject's 2011 tax year appeal.

In further support of its contention of the correct assessment the board of review through the township assessor submitted information on one additional comparable sale besides the appellant's appraisal report.

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

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 Board finds the best evidence of market value to be appellant's comparable sales #1 through #3 along with board of review comparable sale #1 and consideration of the adjustment process presented in the appraisal report filed by the board of

review. The appraisal report reflects significant adjustments for differences in age, foundation and/or site size which are relevant considerations when comparing the subject property to the four best comparable sales presented in this record. The four most similar comparables presented by both parties sold between April 2011 and January 2012 for prices ranging from \$133,000 to \$265,000 or from \$95.55 to \$116.23 per square foot of living area, including land. The subject's assessment reflects a market value of \$225,010 or \$101.63 per square foot of living area, including land, which appears to be excessive given the subject's crawl-space foundation and age with a date of construction of 1954. Giving due consideration to adjustments to board of review comparable #1, the Property Tax Appeal Board finds that the subject property is overvalued.

Based on this evidence and appropriate adjustments, 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

Mark Morris

Member

[Signature]

Member

Jerry White

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: 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.