



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

APPELLANT: Anderson Partners, LLC
DOCKET NO.: 12-01616.001-R-1
PARCEL NO.: 09-29-226-013

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: \$22,998
IMPR.: \$32,030
TOTAL: \$55,028**

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 exterior construction with 1,387 square feet of living area. The dwelling was constructed in 1966. Features of the home include a full unfinished basement, a fireplace and an attached two-car garage. The property has a 19,602 square

foot 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 an appraisal estimating the subject property had a market value of \$165,000 as of June 13, 2011. Based on this evidence, the appellant requested a total assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$68,759. The subject's assessment reflects a market value of \$206,174 or \$148.65 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. Lang contended that the subject dwelling is located outside the city limits and due to the lack of sales of similar properties in unincorporated areas, both parties have utilized comparables with the City of St. Charles. Lang acknowledged that both parties' comparables are similar in style, dwelling size and condition with the comparables presented for the board of review being older construction. She also noted that appraisal sale #2 was not adjusted for location on Randall Road which is busy or for the lack of a walkout-style basement.

In support of its contention of the correct assessment the board of review through the township assessor submitted a grid analysis of five comparable sales that sold between March 2010 and June 2012 for prices ranging from \$190,000 to \$274,500 or from \$158.47 to \$235.02 per square foot of living area, including land.

Based on this evidence and argument, 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 the appraisal submitted by the appellant with an estimated market value of \$165,000 as of June 13, 2011. The appraiser analyzed three comparable dwellings and made adjustments to the comparables for differences which appear to be reasonable and consistent. The resulting adjusted sales prices of the comparables range from \$147,490 to \$197,880. The value conclusion for the subject property is within and at the higher end of the range of the adjusted comparable sale prices.

The board of review noted the lack of an adjustment for appraisal comparable #2 being on a busy street, but the appraisal report characterized the subject as having a view of a street like this comparable property. In addition, the Board finds that the board of review presented its own comparable #1 that was noted to be on a busy road which suggests that location on a busy road was not a factor in estimating market value of the subject property. Likewise, the board of review noted that appraisal comparable #2 had a walkout basement; similarly, board of review comparable #1 has a walkout basement. Given the criticisms placed against the appraisal, the Board finds that board of review comparable #1 is dissimilar to the subject and should be given reduced weight. In addition, the board of review presentation did not include adjustments for differences between its comparables and the subject property. Finally, the Property Tax Appeal Board gives little weight to board of review comparables #3 through #5 which sold between March 2010 and November 2010, which sale dates were 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 on the date at issue.

The subject's assessment reflects a market value of \$206,174 or \$148.65, which is above the appraised value and above board of review comparable sale #2. On this record, the Board finds the subject property had a market value of \$165,000 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.