



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

APPELLANT: William & Linda Connell
DOCKET NO.: 13-01706.001-R-1
PARCEL NO.: 09-24-228-013

The parties of record before the Property Tax Appeal Board are William and Linda Connell, the appellants, 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: \$60,594
IMPR.: \$169,741
TOTAL: \$230,335

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 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 is improved with a two-story dwelling of cedar and brick construction with approximately 5,026 square feet of living area. The dwelling was constructed in 1993. Features of the home include a partial unfinished basement, central air conditioning, two fireplaces, a three-car built-in garage, a two-car attached garage, and an in-ground swimming pool with a concrete apron. The property has a 40,032 square

foot site and is located in St. Charles, St. Charles 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 May 10, 2011 for a price of \$675,000. The appellants completed Section IV - Recent Sale Data of the appeal disclosing the property was purchased from Joan M. Carlson and further indicated the parties were not related. The appellants also indicated the property was sold through a Realtor and the property had been advertised for sale for more than one year in the Multiple Listing Service.

In further support of the overvaluation argument the appellants submitted three appraisals. The first appraisal had an effective date of April 21, 2011 and was prepared in connection with the purchase transaction of the subject property. The appraiser was John C. Palermo, a Certified Residential Real Estate Appraiser. Palermo developed both the sales comparison approach to value and the cost approach to value in arriving at an estimated market value of \$680,000 as of April 21, 2011.

The second appraisal submitted by the appellants was for a refinance transaction with the client identified as The National Bank of Davenport, Iowa. The appraiser was Martin M. Worsley, a Certified Residential Real Estate Appraiser. Worsley estimated the subject's market value to be \$667,000 as of July 12, 2012 using the sales comparison approach to value.

The third appraisal submitted by the appellants was also for a refinance transaction with the client identified as Roundpoint Mortgage Company of Charlotte, North Carolina. The appraisal was prepared by real estate appraiser Mary Connolly. Connolly estimated the subject property had a market value of \$649,000 as of April 24, 2013 using the sales comparison approach to value.

The appellants also submitted a comparable located next door that sold in February 2014 for a price of \$605,000. This property was used as a comparable sale #5 in the Connolly appraisal.

In their written narrative the appellants noted that the assessor had correctly pointed out in the submission to the Kane County Board of Review that the appellants installed a swimming pool in 2012 but argued that the pool was included in both the 2012 and 2013 appraisals. A copy of the assessors written narrative to the board of review was included as part of

Appellants' Exhibit #4. The assessor indicated that in 2012 a \$60,000 permit was obtained to install an in ground pool and surround.

The appellants were of the opinion that the 2012 appraisal represented the best valuation because they contend it appears to have been prepared in the most accurate manner and includes the swimming pool. Based on this evidence the appellants requested the subject's assessment be reduced to \$222,333.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$230,335. The subject's assessment reflects a market value of \$691,489 or \$137.58 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 information provided by the St. Charles Township Assessor. The township assessor noted that the subject property was purchased in May 2011 for a price of \$675,000 and that in 2012 a \$60,000 permit was obtained to construct an in-ground swimming pool with 656 square feet of additional surround. She also noted the subject dwelling has a 299 square foot enclosed porch and 1,626 square feet of garage area, which is significantly larger than the comparables sited.

The assessor provided a grid of the sales contained in the three appraisals submitted by the appellants disclosing that the comparables that sold in 2012 and 2013 had prices ranging from \$110.07 to \$181.80 per square foot of living area, including land. The comparable at the high end of the range was the smallest dwelling with 3,314 square feet of living area and the dwelling at the low end of the range was the largest dwelling with 7,268 square feet living area. After eliminating these two comparables, the remaining dwellings that are more similar to the subject in size had prices ranging from \$120.65 to \$152.15 per square foot of living area, including land.

The assessor also identified four additional comparable sales improved with two-story dwellings of brick, frame and brick or brick and dryvit exterior construction that ranged in size from 4,105 to 5,278 square feet of living area. The dwellings were constructed from 1989 to 2002. Each comparable had a basement with three being finished, central air conditioning, one to three fireplaces and garages ranging in size from 851 to 1,052

square feet of building area. The comparables had sites ranging in size from 15,000 to 35,389 square feet of land area. These comparables sold from June 2013 to March 2014 for prices ranging from \$595,000 to \$950,000 or from \$144.95 to \$179.99 per square foot of living area, including land.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The evidence in this record disclosed that the subject property was purchased by the appellants in May 2011 for a price of \$675,000 or \$134.30 per square foot of living area, including land. Subsequent to the purchase the appellants installed an in-ground swimming pool and concrete surround that required a building permit in the amount of \$60,000. Considering the fact the appellants purchased the property for \$675,000 and installed a swimming pool for approximately \$60,000, the subject's total assessment reflecting a market value of \$691,489 or \$137.58 per square foot of living area, land included, seems well supported.

Furthermore, the record contains information on thirteen sales found within the appellants' appraisals and submitted by the board of review that occurred in 2012 and 2013 that were relatively similar to the subject in size. These comparables sold for prices ranging from \$580,000 to \$950,000 or from \$120.65 to \$179.99 per square foot of living area, including land. The subject's assessment reflects a market value of \$691,489 or \$137.58 per square foot of living area, including land, which is within the range established by these comparable sales. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not 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

K. L. Fan

Mario Alvarez

Member

Member

JR

Member

Acting Member

Robert Hoffmann

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: February 19, 2016

A. Proctor

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.