



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

APPELLANT: Brian Goetz
DOCKET NO.: 13-01804.001-R-1
PARCEL NO.: 05-12-251-020

The parties of record before the Property Tax Appeal Board are Brian Goetz, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; 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: \$14,999
IMPR.: \$132,547
TOTAL: \$147,546

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 is improved with a two-story dwelling of frame and brick construction with 3,953 square feet of living area.¹ The dwelling was constructed in 2010. Features of the home include a full unfinished basement, central air

¹ The Property Tax Appeal Board finds the best evidence of size was contained in the appellant's appraisal which had a schematic diagram of the dwellings with dimensions and living area calculations.

conditioning, one fireplace and a three-car attached garage. The property has a 14,725 square foot site and is located in Elgin, Plato 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 \$380,000 or \$96.13 per square foot of living area, including land, as of February 20, 2012. The appraisal was prepared by Ralph W. Harkison. The client was identified as Guaranteed Rate/VA and the assignment type was a refinance transaction. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using eight sales and three listings. The appraisal referenced the fact the subject property sold in September 2010 for a price of \$461,155. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$147,546. The subject's assessment reflects a market value of \$442,948 or \$112.05 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 evidence provided by the township assessor. The assessor noted the subject property sold in 2010 for a price of \$461,155. The assessor explained the subject property is located in the Highland Woods Subdivision which includes a clubhouse with a pool, walking path and a grade school. She further explained that only appraisal comparables #1 and #4 were located in the subject's subdivision. The assessor also stated that appraisal sale #7 is not in the city limits of Elgin and has a larger lot with a well and septic system. The assessor further asserted that appraisal comparable sales #2, #3, #5, #6 and #8 were located within neighborhoods that do not include a school, clubhouse or pool.

In support of the assessment the assessor identified five comparable sales located in the subject's subdivision that were improved with two-story dwellings of frame and brick, frame and stone or frame, brick and stone exterior construction that ranged in size from 3,548 to 3,967 square feet of living area. The dwellings were constructed from 2007 to 2013. Each comparable had a basement, central air conditioning, one or two

fireplaces and garages that range in size from 638 to 864 square feet of building area. The assessor indicated that comparables #4 and #5 have finished basements. The comparables sold from February 2012 to August 2013 for prices ranging from \$442,035 to \$614,276 or from \$114.49 to \$173.13 per square foot of living area, including land. She asserted that comparable sale #1 was the most similar to the subject property and sold in August 2012 for a price of \$471,130 or \$125.70 per square foot of living area, which is greater than the market value reflected by the subject's assessment.

In rebuttal the appellant asserted that appraisal listings had subsequently sold and provided copies of the Multiple Listing Service (MLS) listing sheets for each property. These properties sold from February 2012 to December 2013 for prices ranging from \$300,000 to \$346,500. Each comparable was described as being a short sale or REO/Lender Owned. Appellant's counsel explained that listing #1 was located in the subject's subdivision and sold in February 2012 for a price of \$300,000 after being marketed for 208 days.

With respect to the comparable sales identified by the assessor the appellant's counsel noted comparable #1 was new construction at the time of sale; comparable sale #2 was new construction that was not advertised for sale; comparable sale #3 was described as having "water views" with a superior number of bathrooms and a finished basement; comparable #4 was described as having more bathrooms, a full finished basement and two fireplaces; and comparable #5 was new construction and not advertised for sale.

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

The Board finds the best evidence of market value to be the board of review comparable sales. These sales were located in

the subject's subdivision and were somewhat similar to the subject in style, size and age although some had superior features relative to the subject dwelling. The comparables sold from February 2012 to August 2013 for prices ranging from \$442,035 to \$614,276 or from \$114.49 to \$173.13 per square foot of living area, including land. Furthermore, the evidence disclosed the subject property was purchased in September 2010 for a price of \$461,155. The subject's assessment reflects a market value of \$442,948 or \$112.05 per square foot of living area, including land, which is below the range established by the best comparable sales in the record and below the subject's purchase price. The Board gave less weight to the appraisal primarily due to the dissimilar location of the comparables relative to the subject property. Furthermore, six of the comparable sales in the appraisal occurred more than one year prior to the assessment date at issue. Based on this evidence the Board finds 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



Member



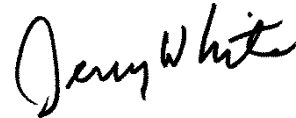
Member



Acting Member



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: November 20, 2015



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.