



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

APPELLANT: Todd M. & Lisa M. Strada  
DOCKET NO.: 13-02562.001-R-1  
PARCEL NO.: 09-23-455-020

The parties of record before the Property Tax Appeal Board are Todd M. & Lisa M. Strada, the appellants, by Jerri K. Bush, Attorney at Law, 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:** \$33,327  
**IMPR:** \$118,903  
**TOTAL:** \$152,230

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 consists of a two-story dwelling of frame and brick construction with 3,237 square feet of living area. The dwelling was constructed in 1991. Features of the home include a full English-style basement with finished area, central air conditioning, a fireplace and an attached three-car garage of 715 square feet of building area. The property has a

9,888 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information both on the recent sale of the subject property and on five comparable sales.

In support of the subject's sale price, the appellants submitted evidence disclosing the subject property was purchased on June 29, 2011 for a price of \$386,501. The appellants completed Section IV - Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service for 28 days.

In further support of the transaction the appellants submitted a copy of the Settlement Statement reiterating the purchase price and date. The appellants also submitted a copy of the Multiple Listing Service data sheet depicting that the property was available for conventional financing with an original list price of \$439,800. To additionally support the advertising of the property, the appellants submitted a copy of the Listing & Property History Report depicting a listing of the property beginning on April 15, 2011 with an asking price of \$439,800 followed by two asking price reductions to a final asking price of \$399,800 as of May 9, 2011 before being sold.

The appellants also completed Section V of the appeal petition with information on five comparable sales located within less than a mile from the subject property. The comparables consist of two-story masonry or frame and masonry dwellings that range in size from 2,954 to 3,980 square feet of living area and feature full or partial basements with finished area. Each home has central air conditioning, a fireplace and a three-car garage. These properties sold between April 2012 and July 2013 for prices ranging from \$310,000 to \$365,000 or from \$77.89 to \$120.18 per square foot of living area, including land.

Based on this evidence, the appellants requested a total assessment for the subject property of \$116,655 which would reflect a market value of approximately \$350,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$152,230. The subject's assessment reflects a market value of \$457,010 or \$141.18 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 response to the appeal and in support of its contention of the correct assessment, the board of review submitted a letter along with supporting documentation from Coleen Lang, St. Charles Township Assessor. In the memorandum, Lang noted the subject property transferred in both May 2011 and June 2011 via relocation transactions for the same sale price of \$386,501. In addition, Lang asserted that appellants' comparable #1 was not in the subject's immediate neighborhood as this property was located across Dunham Road in a different golf course community subdivision. She also asserted that appellants' comparable #4 was of inferior construction. Lang also noted that appellants' comparables #1 and #2 were "significantly" larger dwellings as compared to the subject home.

The township assessor also submitted a chart reiterating the appellants' comparables with slight differences in descriptions. The assessor reported that comparable #2 has a pool which was not reported by the appellants. The assessor's data also reflected additional sales of appellants' comparables #1, #2 and #5 which occurred in July 2013 and September 2013 for prices ranging from \$479,800 to \$570,000 or from \$143.22 to \$146.17 per square foot of living area, including land.

In the chart, the assessor presented information on four comparable sales to support the subject's assessment. The comparables are similar in style and exterior construction. The dwellings were built in 1990 or 1992 and range in size from 3,017 to 3,525 square feet of living area. Each of the comparables has a full or partial basement with finished area. The homes feature central air conditioning, a fireplace and a garage ranging in size from 616 to 771 square feet of building area. The comparables sold from July 2012 to July 2013 for prices ranging from \$456,000 to \$520,000 or from \$144.41 to \$155.41 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 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 Property Tax Appeal Board has given reduced weight to the sale of the subject property that occurred in June 2011, approximately 1.5 years prior to the assessment date at issue in this proceeding of January 1, 2013. The Board finds that given the passage of time, the sale of the subject is less likely to be indicative of its fair cash value as of the assessment date than sales of comparable properties that occurred more proximate in time to January 1, 2016. Furthermore, the Board finds that there is evidence that the subject sold for the same price of \$386,501 both in May 2011 and in June 2011 raises concerns that the sale of the subject property may not be an arm's length transaction or may not be reflective of market value.

The parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparables #1 and #2 due to differences in location and pool amenity, respectively, when compared to the subject property.

The Board finds the best evidence of market value to be the remaining seven comparable sales in the record. These most similar comparables reflect a total of eight sale transactions that occurred between April 2012 and July 2013 for prices ranging from \$456,000 to \$520,000 or from \$110.01 to \$155.41 per square foot of living area, including land. The subject's assessment reflects a market value of \$457,010 or \$141.18 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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.

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Chairman

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Member

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Member

*[Handwritten Signature]*

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Member

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Acting Member

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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

*[Handwritten Signature]*

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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.