



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

APPELLANT: Justin Sergi
DOCKET NO.: 13-02563.001-R-1
PARCEL NO.: 14-35-458-025

The parties of record before the Property Tax Appeal Board are Justin Sergi, the appellant, 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: \$4,065
IMPR.: \$33,265
TOTAL: \$37,330

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 consists of a two-story townhome of frame construction with 1,546 square feet of living area. The townhouse was constructed in 2004. Features of the townhome include central air conditioning, a fireplace and a 400 square foot garage. The property is located in Montgomery, Sugar Grove Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales, four of which are reported to be in close proximity to the subject dwelling. The comparables range in size from 1,330 to 1,750 square feet of living area. Four of the comparables have central air conditioning and each has a two-car garage. The comparables sold between September 2012 and April 2013 for prices ranging from \$90,500 to \$108,500 or from \$53.14 to \$72.87 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$31,330 which would reflect a market value of approximately \$94,000 or \$60.80 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 \$37,330. The subject's assessment reflects a market value of \$112,068 or \$72.49 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 a memorandum from the Sugar Grove Township Assessor's Office along with a two-page grid analysis of three comparable sales. Board of review comparable #2 is the same property as appellant's comparable #2, except that appellant reported a dwelling size of 1,750 square feet as compared to the board of review assertion that the dwelling contains 1,546 square feet. These three comparable dwellings were built in 2003 or 2004 and each contains 1,546 square feet of living area. One comparable has a fireplace and each has a garage of either 400 or 462 square feet of building area. These comparables sold between December 2010 and February 2013 for prices ranging from \$93,000 to \$152,700 or from \$60.16 to \$98.77 per square foot of living area, including land.

In addition, the township assessor prepared a grid analysis of six equity comparables. The Property Tax Appeal Board will not further address this equity data in this decision as equity data is not responsive to the appellant's overvaluation appeal.

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

The parties submitted a total of seven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #1 which sold in December 2010, a date more remote in time to the valuation date at issue of January 1, 2013 and thus less likely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be the appellant's comparable sales along with board of review comparable sales #2 and #3 where there is one common property between the parties. These most similar comparables sold between September 2012 and April 2013 for prices ranging from \$90,500 to \$114,500 or from \$58.54 to \$74.06 per square foot of living area, including land. The subject's assessment reflects a market value of \$112,068 or \$72.49 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well justified given that the subject has a fireplace which is only a feature of board of review comparable #3. 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

K. L. Fan

Mario Alvarez

Member

Member

JR

Member

Acting Member

Robert Steffen

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.