



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

APPELLANT: Bryan & Marta Keas
DOCKET NO.: 13-02572.001-R-1
PARCEL NO.: 03-29-203-005

The parties of record before the Property Tax Appeal Board are Bryan & Marta Keas, the appellants,¹ 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: \$21,193
IMPR.: \$50,800
TOTAL: \$71,993**

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 "raised ranch" dwelling of frame construction with 2,400 square feet of living area. The dwelling was constructed in 1966. Features of the home include central air conditioning, a fireplace and a 550 square foot garage. The property is located in Sleepy Hollow, Dundee Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on four comparable sales located from .2 to 1.4-miles from the

¹ By a filing dated March 16, 2016, Attorney Jerri K. Bush withdrew her appearance as counsel for the appellants.

subject property. The comparables are a one-story and three, split-level dwellings of frame, brick or frame and brick construction. Three homes range in size from 1,925 to 2,470 square feet of living area; no dwelling size was reported for comparable #3. Each home has a basement, three of which have finished areas. Two of the comparables have central air conditioning and three comparables have two fireplaces. Each comparable has a 2-car or a 2.5-car garage. The properties sold between March 2012 and September 2013 for prices ranging from \$140,000 to \$180,000 or for three of the comparables from \$66.48 to \$74.73 per square foot of living area, including land.

Based on this evidence, the appellants requested a total assessment of \$49,803 which would reflect a market value of approximately \$149,409 or \$62.25 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 \$71,993. The subject's assessment reflects a market value of \$216,130 or \$90.05 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 response, the board of review submitted data gathered by the township assessor. The assessor set forth the four comparables presented by the appellants. Each sale was either a short sale, foreclosure or an estate sale. According to the assessor, appellants' comparable #4 is much larger at 3,572 square feet than was reported by the appellants.

In support of its contention of the correct assessment the board of review submitted information prepared by the township assessor on three comparable sales located from .4 to 1.3-miles from the subject property. The comparables consist of a raised ranch and two, split-level dwellings of frame or frame and brick construction. The homes were built between 1962 and 1988 and range in size from 2,194 to 2,492 square feet of living area. One comparable has a basement and each has a finished lower level. Each home has one or two fireplaces, central air conditioning and a garage ranging in size from 576 to 828 square feet of building area. The properties sold between April and December 2013 for prices ranging from \$215,000 to \$310,000 or from \$97.20 to \$141.29 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.

In written rebuttal, former counsel for the appellants presented additional documentation concerning appellants' comparable #2 and the board of review comparable properties. As to appellants' comparable #2, counsel submitted a Redfin printout concerning the May 2014 resale of this property after a "gut reno[vation]" with

a sale price of \$266,000. Similar documents were submitted for each of the board of review comparable properties.

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 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 appellants' comparable #4 given its much larger dwelling size as reported by the board of review and which was not refuted by the appellants in rebuttal.

As to the assessor's remarks about short sale and foreclosures, the Board takes judicial notice of Section 1-23 of the Code which defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider the remaining three sales presented by the appellants given that the board of review provided a dwelling size of 2,340 square feet for appellants' comparable #3.

The Board finds the best evidence of market value to be appellants' comparable sales #1, #2 and #3 along with the board of review comparable sales. These most similar comparables sold

between September 2012 and December 2013 for prices ranging from \$140,000 to \$310,000 or from \$66.24 to \$141.29 per square foot of living area, including land. The subject's assessment reflects a market value of \$216,130 or \$90.05 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 particularly well-supported by board of review comparable #1 that is .4 of a mile from the subject and similar in design, exterior construction, age, size and/or features. 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.

Mario Alvares

Chairman

K. L. Ferr

Member

JR

Member

Jerry White

Acting Member

Robert Hoffmann

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: April 22, 2016

A. Heston

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.