



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

APPELLANT: DTG & Dady Investments
DOCKET NO.: 13-02691.001-R-1
PARCEL NO.: 03-08-402-004

The parties of record before the Property Tax Appeal Board are DTG & Dady Investments, the appellant, by attorney Jerri K. Bush, in Chicago, and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$17,133
IMPR.: \$61,472
TOTAL: \$78,605

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kendall 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 one-story single-family dwelling of brick and frame exterior construction with 1,982 square feet of living area. The dwelling was constructed in 1980. Features of the home include a full basement, central air conditioning, a fireplace and a 594 square foot garage. The property has a 35,393 square foot site and is located in Oswego, Oswego Township, Kendall County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information in the Section V grid analysis of the appeal petition on three comparable sales located from .08 of a mile to 2-miles from the subject property. The comparables consist of one-story frame dwellings that range in size from 1,714 to 2,013 square feet of living area. The appellant did not report the age of the comparables, but did report that one has a full finished basement and each home has central air conditioning and a two-car garage. Two of the comparables also have a fireplace. The properties sold in January or April 2013 for prices ranging from \$125,000 to \$147,900 or from \$70.04 to \$82.17 per square foot of living area, including land.

Based on this evidence, the appellant requested a total assessment of \$44,996 which would reflect a market value of approximately \$134,988 or \$68.11 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 \$78,605. The subject's assessment reflects a market value of \$235,909 or \$119.03 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kendall County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review reported that appellant's comparables #1 and #3 have concrete slab foundations rather than a full basement like the subject. Additionally, appellant's comparable #2 is located in a "55+ active adult community."

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within $\frac{1}{4}$ of a mile of the subject property. The comparables consist of one-story brick or brick and frame dwellings that were built between 1984 and 1995. The homes range in size from 1,752 to 2,126 square feet of living area and feature basements, one of which is a walkout-style. Two of the comparables have central air conditioning and each has one or two fireplaces and a garage ranging in size from 440 to 738 square feet of building area. The properties sold between August 2012 and July 2013 for prices ranging from \$225,000 to \$270,000 or from \$112.89 to \$138.18 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel provided copies of "Redfin listings" for the three board of review comparable properties. There are handwritten "stars" next to some of the printed information regarding number of bedrooms, bathroom information and/or basement finish data. While the documentation indicates that each comparable has a finished basement, the assessing officials did not report finished basements in the grid analysis nor are finished basements reported on the applicable property record cards attached to the board of review's submission.

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 six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #1 and #3 as these dwellings have concrete slab foundations which differ from the subject's full basement feature. The Board has also given reduced weight to appellant's comparable #2 that is located in a "55+ active adult community" which is confirmed by the remarks in the Multiple Listing Service data sheet which the appellant submitted with the evidence. The age restriction on appellant's comparable #2 makes the property different from the subject dwelling that does not have this restriction. The Board has also given reduced weight to board of review comparable #2 which lacks central air conditioning and is only 18 years old as compared to the subject that has central air conditioning and is 33 years old.

The Board finds the best evidence of market value to be board of review comparable sales #1 and #3 which bracket the subject dwelling in size and age. These dwellings have various

similarities and dissimilarities when compared to the subject dwelling, but sold for prices of \$240,000 and \$270,000 or for \$112.89 and \$138.18 per square foot of living area, including land. The subject's assessment reflects a market value of \$235,909 or \$119.03 per square foot of living area, including land, which is bracketed by these best comparable sales on a per-square-foot basis and below these sales in terms of overall value. After considering adjustments and the differences in the best comparables when compared to the subject property, 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

Klaus Albrecht

Member

Member

JR

Jerry White

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: November 20, 2015

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.