



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

APPELLANT: David Dodd  
DOCKET NO.: 14-00734.001-R-1  
PARCEL NO.: 08-27-428-006

The parties of record before the Property Tax Appeal Board are David Dodd, 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 in this matter, the Property Tax Appeal Board hereby finds A Reduction 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:** \$48,707  
**IMPR.:** \$122,943  
**TOTAL:** \$171,650

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 2014 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 single-family dwelling of brick exterior construction with 4,346 square feet of living area. The dwelling was constructed in 1995. Features of the home include a full walkout-style basement with finished area, central air conditioning, three fireplaces on one stack and an attached 874 square foot garage. The property has a 67,153 square foot site and is located in Campton Hills, Campton Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased from Saleem Mohammed on August 13, 2013 for a price of \$515,000. In Section IV – Recent Sale Data of the appeal petition, the appellant reported the property was listed for sale with Priced 2 Sell Realty, Inc. in the Multiple Listing Service. A copy of the Multiple Listing Service data sheet indicated the property was on the market for a period of 62 days which was further supported by a copy of the

Listing & Property History Report. The appellant also reported that the parties to the transaction were not related. The Multiple Listing Service data sheet also reflected an original asking price of \$799,900 which had been reduced to \$549,900 prior to the sale. The property was also noted as being sold for cash. The copy of the PTAX-203 Illinois Real Estate Transfer Declaration reflected the sale date, the sale price and that the property was advertised. The Settlement Statement also reiterated the date of sale and sale price along with reflecting the payment of brokers' commissions.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$248,735. The subject's assessment reflects a market value of \$747,176 or \$171.92 per square foot of living area, land included, when using the 2014 three year average median level of assessment for Kane County of 33.29% as determined by the Illinois Department of Revenue.

The board of review submitted data prepared by the township assessor who stated, in pertinent part, "taxpayer is claiming overvaluation based on the August 2013 sale of this property for \$515,000. No comparable sales were supplied." The subject property was purchased as a foreclosure in March 2013 and subsequently sold to the current owner.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales. The comparable parcels range in size from 45,645 to 80,978 square feet of land area and are improved with two-story frame and brick dwellings that were built in 1992 or 2007. The homes range in size from 3,825 to 5,982 square feet of living area and feature walkout or lookout basements with finished area, central air conditioning, one to three fireplaces and a garage ranging in size from 874 to 1,458 square feet of building area. The properties sold between June 2012 and March 2014 for prices ranging from \$715,000 to \$1,100,000 or from \$174.32 to \$186.93 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant reiterated that the recent sale of the subject was an arm's length transaction reflective of market value at the time of purchase which has not been challenged by the board of review. As to the sales submitted by the board of review, counsel argued that sales #1 and #3 were remote in time to the assessment date having been sold in 2012. Additionally, the comparables are superior and in some cases have too many differences to be considered comparable to the subject. Superior differences include lot size, age, dwelling size, number of bathrooms and/or garage size.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in August, 2013 for a price of \$515,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 62 days. In further support of the transaction the appellant submitted a copy of the Settlement Statement that reiterated the sale price and date and reflected that brokers' commission were paid. Additionally, the PTAX-203 Illinois Real Estate Transfer Declaration likewise reflected that the property was advertised prior to its sale. The Board finds the purchase price of \$515,000 is below the market value reflected by the assessment of \$747,176. Moreover, the Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute that the purchase price was reflective of market value at the time of sale. The Board also finds that the suggested comparable sales presented by the board of review were dissimilar to the subject in age, dwelling size and/or features with two of the comparables having sold in 2012, dates more remote in time to the valuation date at issue of January 1, 2014 and thus less likely to be indicative of the subject's estimated market value. To the extent that board of review comparable #3 is considered to be the most similar to the subject property, this comparable sale indicates that the subject is overvalued based on its assessment.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment is justified. The Board further finds the board of review comparable sales were dissimilar to the subject or sold remote in time to the valuation date at issue. Based on this record the Board finds the subject property was overvalued and a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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



Member



Acting Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

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: August 19, 2016



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.