



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

APPELLANT: Jerry Iwanski  
DOCKET NO.: 14-00832.001-R-1  
PARCEL NO.: 02-36-175-021

The parties of record before the Property Tax Appeal Board are Jerry Iwanski, 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 **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:** \$17,278  
**IMPR.:** \$68,380  
**TOTAL:** \$85,658

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 vinyl siding exterior construction with 2,570 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached two-car garage of 400 square feet of building area. The property has a 7,405 square foot site and is located in Gilberts, Rutland 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 Francisco and Melecia Aquino on July 9, 2012 for a price of \$195,000. In Section IV – Recent Sale Data of the appeal petition, the appellant reported the property was listed for sale with Coldwell Banker Honig-Bell in the Multiple Listing Service for a period of 296 days. The appellant also reported that the parties to the transaction were not related. In further support, the appellant submitted a copy of

the Multiple Listing Service data sheet which noted that the home was a short sale with an asking price of \$212,000. The Listing & Property History Report depicted the first date of marketing as April 8, 2011 with an asking price of \$212,000. The copy of the PTAX-203 Illinois Real Estate Transfer Declaration reflected the sale date, the sale price, that the property was advertised, sold by Warranty Deed and it was a short sale. 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 \$85,658. The subject's assessment reflects a market value of \$257,309 or \$100.12 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.

In support of its contention of the correct assessment the board of review submitted information gathered by the township assessor on three comparable sales. The parcels range in size from .2 to .29 of an acre of land area and are improved with two-story frame or frame and brick dwellings that were built in 2002. The homes range in size from 2,154 to 2,570 square feet of living area. Each comparable has a basement, one of which is a lookout style. The homes have central air conditioning and a garage ranging in size from 400 to 479 square feet of building area. The properties sold between May 2013 and May 2014 for prices ranging from \$257,000 to \$276,500 or from \$105.45 to \$119.31 per square foot of living area, including land.

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

In written rebuttal, the appellant through counsel reiterated the contention that the sale of the subject property was an arm's length transaction between unrelated parties after the property had been advertised on the open market and noted that the board of review did not dispute any of those assertions in its submission. Based on data from the respective Multiple Listing Service sheets for the board of review comparable properties, counsel argued that adjustments need to be considered to these sales including a finished basement reported for comparables #2 and #3 whereas the subject does not have a finished basement.

### **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 Board finds the best evidence of market value in the record to be the three comparable sales submitted by the board of review. These comparables were similar to the subject in location,

style, construction, features, age and/or land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$257,000 to \$276,500 or from \$105.45 to \$119.31 per square foot of living area, including land. The subject's assessment reflects a market value of \$257,309 or \$100.12 per square foot of living area, including land, which is within the range established by the best comparable sales in this record in terms of overall value and below the range on a per-square-foot basis. Furthermore, the subject's estimated market value as reflected by its assessment is well-supported by board of review comparable #3 which is similar to the subject in many respects.

The Board gave little weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue, particularly in light of the more recent sales in the record presented by the board of review. To the extent that the appellant argued the comparables were superior to the subject, the subject's lower per-square-foot value supports the contention that the comparables were superior to the subject dwelling.

Based on this record the Board finds the subject's assessment is reflective of market value and 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



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.