



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

APPELLANT: Dennis Grzesiak
DOCKET NO.: 14-00833.001-R-1
PARCEL NO.: 09-10-127-005

The parties of record before the Property Tax Appeal Board are Dennis Grzesiak, 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: \$9,429
IMPR.: \$4,236
TOTAL: \$13,665

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 one-story single-family dwelling of frame construction with 1,089 square feet of living area. The dwelling was constructed in 1925. Features of the home include a partial basement of 817 square feet.¹ The property has a 12,001 square foot site and is located in St. Charles, St. Charles 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 the U.S. Department of Housing and Urban Development on July 17, 2013 for a price of \$41,000. In Section IV –

¹ The appellant reported the dwelling had a crawl-space foundation as stated in the Multiple Listing Service data sheet. The assessing officials reported the dwelling has a partial basement and submitted a copy of the subject's property record card to support the assertion. The Board finds the assessing officials provided the best evidence of the subject's foundation and basement area.

Recent Sale Data of the appeal petition, the appellant reported the property was listed for sale with Ryan Hill Realty, LLC in the Multiple Listing Service for a period of 14 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 "ready for cosmetic updates" and was sold "as-is." The property was also noted as REO/Lender Owned, Pre-Foreclosure being sold for cash. The Listing & Property History Report also depicted the first date of marketing as June 4, 2013 with an asking price of \$44,000. The copy of the PTAX-203 Illinois Real Estate Transfer Declaration reflected the sale date, the sale price, that the property was advertised and that "seller/buyer is a financial institution or government agency." 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 \$29,997. The subject's assessment reflects a market value of \$90,108 or \$82.74 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 a memorandum, the township assessor asserted that the subject's sale price of \$37.65 per square foot of living area was a much lower value than very similar homes in the subject neighborhood. The assessor contends that the subject's sale price is "an outlier and not a true reflection of the market in the subject's neighborhood."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales located within the subject's neighborhood of Fox River Heights or just to the south in a similar neighborhood of Skyline Estates. Board of review comparable sales #1, #5 and #6 were sold as Bank REO, Special Warranty Deeds. The comparables are located from .20 of a mile to 1.25 miles from the subject property. The parcels range in size from 8,407 to 24,999 square feet of land area and are improved with one-story frame dwellings that were built between 1939 and 1978. The homes range in size from 960 to 1,180 square feet of living area. Three of the comparables have full or partial unfinished basements and four of the comparables have central air conditioning. Each comparable has a garage ranging in size from 408 to 600 square feet of building area. The properties sold between May 2012 and December 2013 for prices ranging from \$110,000 to \$120,000 or from \$98.98 to \$125.00 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, counsel for the appellant reiterated that the property was exposed on the market and the parties to the transaction were not related. The board of review did not challenge these assertions. As such, the arm's length nature of the transaction has not been challenged. To the extent that the board of review provided comparable sales data, counsel argued that appropriate adjustments be considered for the superior qualities of these properties and that

reduced weight be given to board of review comparables #3 and #4 which sold in 2012, a date more remote in time to the valuation date at issue of January 1, 2014. Based on the Multiple Listing Service data sheets, the appellant's counsel reported that comparable #1 is across the street from the Fox River and has river views, was much newer than the subject, has central air conditioning and also has a garage which is not an amenity of the subject property. The remaining five comparables were noted to have newer ages than the subject dwelling, to have air conditioning and/or a garage neither of which are features of the subject and/or are distant from the subject property.

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 July, 2013 for a price of \$41,000. 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 14 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 \$41,000 is below the market value reflected by the assessment of \$90,108. 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 of a dwelling that was built in 1925, was in need of updating and lacked both air conditioning and a garage. The Board also finds that the suggested comparable sales presented by the board of review were dissimilar to the subject in view, age, and/or features such as a garage and/or air conditioning amenities.

Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment is 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.