



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

APPELLANT: Deanna Koltz
DOCKET NO.: 14-00995.001-R-1
PARCEL NO.: 09-24-401-004

The parties of record before the Property Tax Appeal Board are Deanna Koltz, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company in Mundelein; 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: \$29,997
IMPR.: \$130,120
TOTAL: \$160,117

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 is improved with a two-story dwelling of frame and brick construction with 4,217 square feet of living area. The dwelling was constructed in 1989. Features of the home include a full basement, central air conditioning, one fireplace and an attached garage with 753 square feet of building area. The property has a 12,773 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on March 28, 2013 for a price of \$355,000. The appellant completed Section IV – Recent Sale Data disclosing the parties to the transaction were not related, the property was sold through a Realtor and the property was advertised in a local newspaper and in the Multiple Listing Service (MLS). In support of the purchase the appellant submitted a copy of the settlement statement disclosing the

purchase price of \$355,000 and further indicated that broker's fees were paid. Also included with the appellant's evidence was a copy of the warranty deed, a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale, and a copy of the MLS listing sheet for the subject property disclosing the property had been on the market for 141 days. The listing indicated the sales contract was entered in November 2012 and the property closed in March 2013. 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 \$160,117. The subject's assessment reflects a market value of \$480,976 or \$114.06 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 on four comparable sales identified by the township assessor as well as a narrative provided by the township assessor. The assessor asserted the subject property was purchased as a short sale. The assessor also stated that the four comparable sales were located in the same subdivision as the subject property. The comparables were improved with two-story dwellings of frame, brick, frame and brick, or frame, brick and stone construction that ranged in size from 3,242 to 4,105 square feet of living area. The dwellings were constructed from 1989 to 1998. Each comparable has a basement with one being partially finished, each comparable has central air conditioning, the comparables have one or two fireplaces and each has a garage ranging in size from 667 to 919 square feet of building area. Their sites range in size from 12,458 to 22,172 square feet of land area. The sales occurred from May 2013 to December 2013 for prices ranging from \$478,000 to \$644,500 or from \$134.57 to \$161.85 per square foot of living area, including land.

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 four comparable sales submitted by the board of review. These comparables were relatively similar to the subject in location, style, construction, features, age and land area. These properties also sold more proximate in time to the assessment date at issue than did the subject property. The comparables sold for prices ranging from \$478,000 to \$644,500 or from \$134.57 to \$161.85 per square foot of living area, including land. The subject's assessment reflects a market value of \$480,976 or \$114.06 per square foot of living area, including land, which is within the overall price range but significantly below the range established by the comparable sales provided by the board of review on a square foot basis. The Board gave less weight to the subject's sale based on the information on the MLS listing that the purchase contract was entered in November 2012 and the property closed in March 2013. The subject's contract date and closing date were not as

proximate in time to the assessment date at issue as were the sales provided by the board of review. Furthermore, the subject's purchase price of \$355,000 or \$84.18 per square foot of living area, including land, does not appear to be representative of fair cash value as of January 1, 2014, when contrasted with the sales provided by the Kane County Board of Review. Based on this record 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



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: November 23, 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.