



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

APPELLANT: Sam Sturm  
DOCKET NO.: 14-01082.001-R-1  
PARCEL NO.: 14-02-379-003

The parties of record before the Property Tax Appeal Board are Sam Sturm, 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:** \$20,352  
**IMPR.:** \$70,638  
**TOTAL:** \$90,990

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 with stone facing exterior construction with 4,393 square feet of living area. The dwelling was constructed in 2006. Features of the home include an unfinished walkout-style basement, central air conditioning and an attached 614 square foot garage. The property has a .26-acre site and is located in Sugar Grove, Sugar Grove 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 Scott and Kimberly Jablonski on July 1, 2013 for a price of \$273,000. In Section IV – Recent Sale Data of the

appeal petition, the appellant reported the property was listed for sale with ReMax Professionals in the Multiple Listing Service for a period of 27 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 that depicted the original asking price of \$329,900 which was reduced to \$269,900 before the property was sold for \$273,000; a Listing & Property History Report further reveals that original asking price was reduced within two weeks of the listing date along with two further reductions before being sold. The data sheet also depicts this was a "short sale." A copy of the Settlement Statement reiterated the date of sale and sale price and depicted that brokers' commissions were provided to two real estate firms.

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 \$117,775. The subject's assessment reflects a market value of \$353,785 or \$80.53 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 through the township assessor submitted a memorandum and two grid analyses with information on five equity comparables and information on five sales comparables. In light of the overvaluation argument made in this appeal, the Property Tax Appeal Board will not further address the equity evidence submitted by the board of review.

In pertinent part, the township assessor reported that the subject dwelling is a semi-custom home located on a premium lot in Walnut Woods Subdivision. Due to the lack of sales in the subject's subdivision, the assessor gathered sales from "neighboring Black Walnut Trails which are custom homes. Each of the comparable sales properties were also noted to have larger lots than the subject property.

The comparables consist of two-story dwellings that were built between 2000 and 2004. The homes range in size from 3,701 to 4,735 square feet of living area. Each comparable has a basement, one of which is lookout style. Each dwelling has a fireplace and a three-car garage. The properties sold between October 2012 and July 2014 for prices ranging from \$385,000 to \$480,000 or from \$84.48 to \$113.21 per square foot of living area, including land.

Based on this evidence and the argument that the subject property's sale was a "short sale," the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant noted that the board of review did not call into question whether the subject property was sold between related parties. Moreover, counsel argued that board of review sale #2 was more remote in time to the assessment date at issue. Counsel also outlined based on Multiple Listing Service data sheets that each of the comparable sales presented by the board of review have finished basements and/or a fireplace, neither of which are features of the subject dwelling. One of the properties also backs to a forest preserve.

### **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 parties submitted data concerning the sale of the subject property and five comparable sales for the Board's consideration. The Board has given reduced weight to board of review comparable sale #2 since the sale occurred in October 2012, a date 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 market value. The Board has also given reduced weight to the remaining comparable sales presented by the board of review as the homes are superior to the subject by having finished basements and/or a fireplace which are not features of the subject property.

Most importantly, the Property Tax Appeal Board finds the best evidence of market value to be the purchase of the subject property in July, 2013 for a price of \$273,000. As to the sale of the subject, 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 27 days. In further support of the transaction the appellant submitted a copy of the Multiple Listing Data sheet, listing history and Settlement Statement.

The Board finds the purchase price of \$273,000 and the original asking price of the subject property of \$329,900 are both below the market value reflected by the assessment of \$353,785. The Board finds the board of review did not present sufficient evidence to challenge the arm's length nature of the transaction and furthermore finds that the comparable sales submitted by the board of review do not overcome the arm's length sale of the subject property.

Based on this record the Board finds the subject property is 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.



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Chairman



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Member



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Member



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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: July 22, 2016



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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.