



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

APPELLANT: Michael Greenfield & Renee Rempert
DOCKET NO.: 14-01748.001-R-1
PARCEL NO.: 08-28-200-017

The parties of record before the Property Tax Appeal Board are Michael Greenfield & Renee Rempert, the appellants, 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: \$26,329
IMPR.: \$233,333
TOTAL: \$259,662

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 dwelling of frame construction with approximately 6,785 square feet of living area.¹ The dwelling was constructed in 1989. Features of the home include a full basement with 2,000 square feet of finished area, central air conditioning, two fireplaces and an attached four-car garage of 1,222 square feet of building area. The property also features a 576 square foot in-ground pool with a pool house.² The property has a 3.15-acre site and is located in Campton Hills, Campton Township, Kane County.

¹ The appellants' appraiser reported a dwelling size of 6,785 square feet of living area with a schematic drawing to support the calculation. The assessing officials reported a dwelling size of 6,568 square feet of living area with a property record that lacked any schematic drawing of the home. Despite this size discrepancy, the Board finds on this record that a decision on the correct assessment can still be rendered.

² In its grid analysis, the board of review described the subject as having a 336 square foot solarium; there was no description of a pool house in the evidence presented by the assessing officials.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal prepared by Jerzy Siudyla, Certified Residential Real Estate Appraiser. The appraiser utilized the sales comparison approach to value in estimating the subject property had a market value of \$780,000 as of January 1, 2014.

For the sales comparison approach, the appraiser analyzed four comparable sales located from 1.18 to 5.02-miles from the subject property. The comparables consist of 1.92 to 3.21-acre parcels that have been improved with dwellings that were 7 to 25 years old. The homes range in size from 3,627 to 6,922 square feet of living area with basements with finished areas, two of which are walkout style. Features include central air conditioning, two to five fireplaces and a three-car or a four-car garage. One comparable has an in-ground pool and one comparable has a carriage house. The comparables sold between June 2013 and November 2013 for prices ranging from \$614,250 to \$830,000 or from \$103.08 to \$190.24 per square foot of living area, including land.

The appraiser made adjustments to the comparables for differences in site size, quality of construction, age, bathrooms, dwelling size, basement size, basement finish, fireplaces and/or other amenities. The appraiser opined adjusted sale prices ranging from \$718,250 to \$817,000. From this data, the appraiser opined a market value for the subject property of \$780,000.

Based on the foregoing appraisal evidence, the appellant requested an assessment reduction that would reflect a market value of approximately \$755,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$314,188. The subject's assessment reflects a market value of \$943,791 or \$139.10 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 response to this appeal, the board of review submitted a memorandum from the township assessor along with additional data. The assessor's memorandum asserted that the appellants' appraisal relied upon consideration of eight comparable sales that sold in 2012 and 2013. The assessor provided a grid analysis purportedly re-stating those eight comparable properties, where comparables #5 through #8 sold in 2012. Based on the above-recitation of the appellants' appraisal report, the Board did not find eight sales in the appraisal report filed with the Property Tax Appeal Board. As to appraisal sale #1, the assessor contends the property sold by special warranty deed from Nationstar Mortgage LLC and the assessor asserted that appraisal sale #3 was a 'distressed property' at the time of sale; the assessor reported based on conversation with the new owners, comparable #3 was in poor quality resulting in the low sale price.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales. The comparables consist of 1.23 to 2.04-acre parcels that have been improved with two-story dwellings that were 7 to 23 years old. The homes range in size from 5,605 to 5,993 square feet of living area with basements with finished areas, three of which are walkout style. Features include central air conditioning, two to five fireplaces and garages ranging in size from 776 to 1,409 square feet of building area. Two

of the comparables have in-ground pools. The comparables sold between May 2011 and March 2014 for prices ranging from \$900,000 to \$1,100,000 or from \$152.51 to \$189.88 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 appellants noted that the appraisal report contains four comparable sales, not eight sales as argued by the assessor. As to appraisal sale #3, counsel provided a copy of the listing and contended the document "does not make mention of this property being a distressed sale." Counsel also contended there was no substantive support for the report of the property owners concerning "poor quality" being the cause of the low price.

As to the board of review comparable sales #1 and #2, counsel first noted the sales were remote in time from the assessment date of January 1, 2014. Also, as to sale #1, counsel contends the property resold in September 2012 for \$755,000, which indicates that the subject is overvalued. As to the comparables, counsel also noted differences in basement type, number of fireplaces, bathrooms and/or date of construction.

Conclusion of Law

The appellants contend 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 appellants 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 appraisal submitted by the appellants with a final value conclusion of \$780,000 as of January 1, 2014. To arrive at the value conclusion, the appraiser analyzed and relied upon sales that occurred in 2013. Appraiser Siudyla made logical adjustments to each of the sales for differences from the subject. In contrast, the board of review comparable sales sold between May 2011 and March 2014 for prices ranging from \$900,000 to \$1,100,000 or from \$152.51 to \$189.88 per square foot of living area, including land. The Property Tax Appeal Board finds that board of review sales #1 and #2 are too remote in time to be indicative of the subject's estimated market value as of January 1, 2014 and board of review sales #3 and #4 were built in 2005 and 2007 as compared to the subject dwelling built in 1989 which suggests that these comparables are too new when compared to the subject to be valid comparables.

The subject's assessment reflects a market value of \$943,791 or \$139.10 per square foot of living area, including land, which is above the appraised value and not supported by any of the comparable sales in the record submitted by the board of review. The Board finds the subject property had a market value of \$780,000 as of the assessment date at issue. Since market value has been established the 2014 three year average median level of assessments for Kane County of 33.29% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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



Acting Member



Member



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 18, 2017



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.