



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

APPELLANT: Ken Buckman
DOCKET NO.: 14-01771.001-R-1
PARCEL NO.: 02-28-332-005

The parties of record before the Property Tax Appeal Board are Ken Buckman, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$8,504
IMPR.: \$32,792
TOTAL: \$41,296

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 dwelling of brick and frame construction with 1,652 square feet of living area.¹ The dwelling was constructed in 2006 and is described as a “Deerbrook” model. Features of the home include central air conditioning and a 440 square foot garage. The property is located in Pingree Grove, Rutland Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$100,000 as of May 26, 2013. The appraiser utilized four comparable sales that sold from May 2012 to March 2013 for prices ranging from \$81,424 to \$103,000 or from \$58.58 to \$74.10 per square foot of living area, including land.

¹ The parties differ slightly on the size of the subject. The Board finds this minute difference will not affect this decision.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,296. The subject's assessment reflects a market value of \$124,049 or \$75.09 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 five comparable sales that were the same model as the subject. The comparables sold from July 2012 to August 2013 for prices ranging from \$128,000 to \$165,647 or from \$77.48 to \$101.25 per square foot of living area, including land. The board of review argued that the appellant's comparables were not the same model type as the subject. The appellant did not refute this contention.

The appellant filed rebuttal argument arguing the board of review's comparables were unconfirmed sales.

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 to be the board of review comparable sales #1 and #5. These two comparables were the same model type as the subject and sold close to the assessment date in question for \$101.25 and \$77.48 respectively, per square foot of living area, including land. The subject's assessment reflects a market value of \$75.09 per square foot of living area, including land, which is below the best comparable sales in the record. Less weight was given the appellant's comparables and board of review comparables #2 through #4 because they were not the same model as the subject and/or their sale dates were too remote in time for a January 1, 2014 assessment date. Based on this evidence 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



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.