



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

APPELLANT: Paul O'Brien
DOCKET NO.: 14-02241.001-R-1
PARCEL NO.: 03-17-476-011

The parties of record before the Property Tax Appeal Board are Paul O'Brien, 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 **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: \$20,708
IMPR.: \$92,612
TOTAL: \$113,320

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 frame construction with a vinyl siding and brick exterior containing 3,551 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full unfinished basement, central air conditioning, one fireplace and a three-car integral garage. The property has an 11,761 square foot site and is located in Dundee, Dundee 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 \$300,000 as of January 1, 2014. The appraisal was prepared by Jerzy Siudyla, a certified residential real estate appraiser. In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using five comparable sales improved with two-story dwellings that ranged in size from 2,886 to 3,551 square feet of living area. The dwellings range

in age from 7 to 11 years old. Each comparable has an unfinished basement, central air conditioning, one fireplace and a two-car or a three-car garage. The properties were located in West Dundee from .03 to .25 of a mile from the subject property. The sales occurred from March 2013 to October 2013 for prices ranging from \$238,299 to \$401,000 or from \$67.11 to \$122.44 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject property to arrive at adjusted prices ranging from \$293,299 to \$356,000. Based on these sales the appraiser arrived at an estimated market value of \$300,000.

The appellant provided copies of the Multiple Listing Service (MLS) listing sheets for each of the comparable sales contained in the appraisal disclosing that comparable sales #1 and #4 were REO/Lender Owned and comparable sales #2 and #3 were short sales. Based on this evidence the appellant requested the subject's assessment be reduced to \$99,990.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$113,320. The subject's assessment reflects a market value of \$340,403 or \$95.86 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 identified by the township assessor that were improved with two-story dwellings of frame construction that ranged in size from 2,977 to 3,388 square feet of living area. The dwellings were constructed from 2003 to 2007. Each comparable had a basement with one being described as partially finished, central air conditioning, one fireplace and a two-car or a three-car integral garage. The comparables were located in West Dundee from 171 feet to .4 of a mile from the subject property. Board of review sale #1 was the same property as appraisal comparable sale #5. The sales occurred from May 2012 to September 2013 for prices ranging from \$335,000 to \$401,000 or from \$100.90 to \$122.77 per square foot of living area, including land.

The assessor also prepared a grid analysis of the appellant's appraisal comparable sales noting that comparable sales #1 through #4 were either foreclosure or short sales.

In rebuttal appellant's counsel submitted copies of the MLS listings sheets for comparable sales #2 through #5 presented by the board of review. She noted the MLS listing indicate comparable #2 has a "newly remodeled kitchen, is located next to a park, has a finished basement and has 3.1 bathrooms while the subject has none of these attributes. Appellant's counsel noted that comparable #3 was a relocation sale and the MLS described the home as "Like buying new construction. . . ." With respect to sale #4 this property was described as being adjacent to a wooded area, has a finished basement and has 3.1 bathrooms. Counsel also stated that the MLS described comparable sale #5 as being adjacent to a wooded area, has a 15,681 square foot lot and was constructed in 2007. The appellant's counsel contends the appellant's appraisal is the best evidence of market value as of the assessment date.

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 record contains an appraisal of the subject property presented by the appellant and five comparable sales identified by the township assessor that were submitted by the board of review. In total there were nine comparable sales presented by both parties with appraisal sale #5 being the same property as board of review sale #1. Less weight was given to board of review sales #4 and #5 as these properties sold in May 2012 and July 2012, not as proximate in time to the assessment date at issue as the remaining sales in the record. The record disclosed that appraisal comparable sales #1 through #4 were foreclosure or short sales. These properties set the lower end of the price range from \$238,299 to \$275,000 or from \$67.11 to \$90.44 per square foot of living area, including land. It is questionable whether these four sales are truly reflective of fair cash value when compared to the remaining comparable sales, appraisal sale #5 and board of review sales #1 through #3, which sold for prices ranging from \$355,000 to \$401,000 or from \$111.67 to \$122.77 per square foot of living area, including land. The common sale provided by the parties was appraisal sale #5 and board of review sale #1 that sold in July 2013 for a price of \$401,000 or \$122.44 per square foot of living area, including land. The appellant's appraiser adjusted this comparable for differences from the subject to arrive at an adjusted price of \$356,000 or \$108.70 per square foot of living area, including land. The subject's assessment reflects a market value of \$340,403 or \$95.86 per square foot of living area, including land, and is well supported by the sales in this record. The Board finds the subject's assessment reflects a market value above the four comparable sales in the appraisal that were identified as being sold out of foreclosure or short sales, which seems warranted considering that these sales may contain an element of duress or compulsion on the part of the seller. The subject's assessment reflects a market value below the three remaining sales, which seems warranted when considering their superior attributes as described in the MLS listings sheets and identified by the appellant's counsel in rebuttal. Of significance is that the common sale had an adjusted price calculated by the appellant's appraiser of \$356,000, which is well supportive of the subject's assessment reflecting a market value of \$340,403. 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



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: _____

February 24, 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.