



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

APPELLANT: Patrick Koziol & Timothy Ramseyer  
DOCKET NO.: 14-02359.001-R-1  
PARCEL NO.: 06-15-351-065

The parties of record before the Property Tax Appeal Board are Patrick Koziol & Timothy Ramseyer, the appellants, by Jerri K. Bush, Attorney at Law, in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, 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:** \$8,928  
**IMPR.:** \$26,920  
**TOTAL:** \$35,848

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 one-story with finished attic dwelling of frame construction with 1,088 square feet of living area. The dwelling was constructed in 1950. Features of the home include a full basement with finished area, central air conditioning and a detached 400 square foot garage. The

property has a 9,180 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on both the recent sale of the subject and on four comparable sales.

As to the sale of the subject property, the appellants submitted evidence disclosing the subject property was purchased on December 27, 2012 for a price of \$43,000. The appellants 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 was on the market for 270 days. In further support of the transaction the appellants submitted a copy of the Settlement Statement reiterating the purchase price and date; a copy of the Multiple Listing Service data sheet depicting that the home "needs a little TLC but a great buy" with the property sold for cash as a short sale; and a copy of the Listing & Property History Report depicting the original listing date of February 7, 2012 with an asking price of \$114,900 with subsequent price reductions to the last reduced asking price of \$41,800 as of November 2, 2012.

The appellants also submitted information on four comparable sales where comparable #1 is also the subject property. The comparables are located within 1.25-miles from the subject property. The three comparable properties consist of one-story with finished attic dwellings that were built in 1950 or 1956. The homes range in size from 1,036 to 1,269 square feet of living area. Two of the comparables feature full basements, one comparable has central air conditioning and each comparable has a garage ranging in size from 240 to 528 square feet of building area. These three comparable properties sold in May and September 2013 for prices ranging from \$37,000 to \$69,000 or from \$35.71 to \$56.37 per square foot of living area, including land.

Based on this evidence, the appellants requested a total assessment reflective of the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$35,848. The subject's assessment reflects a market value of \$107,555 or \$98.86 per square foot of living area, land

included, when using the statutory level of assessment of 33.33%.

In response to the appeal and in support of its contention of the correct assessment, the board of review through the township assessor submitted a memorandum and information on four comparable sales. The assessor noted the subject property was not owner occupied. The comparables were located "on the west side of Elgin" and were improved with one-story dwellings of frame construction that were built between 1935 and 1965. The homes range in size from 814 to 1,056 square feet of living area and feature full basements, two of which have finished areas. One comparable has a fireplace and each of the comparables has a garage ranging in size from 315 to 484 square feet of building area. The comparables sold from March 2012 to April 2013 for prices ranging from \$99,500 to \$123,000 or from \$116.00 to \$127.00 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants reiterated that the appeal was based in part upon the recent purchase price of the subject property. Counsel contends that subject's purchase was an arm's length transaction which has not been disputed by the board of review's evidence. In a grid reiterating both parties' comparables, the appellants reported the board of review comparables were from .14 of a mile to 1.36-miles from the subject property.

#### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Including the purchase price of the subject property, the parties submitted a total of eight sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the subject's sale price, the

appellant's comparable #4 and board of review comparables #1, #3 and #4 which properties were located more than one mile from the subject and/or sold in 2012, a date more remote in time to the valuation date at issued of January 1, 2014 and therefore less likely to be indicative of the subject's estimated market value as of the assessment date.

On this record, the Board finds the best market value evidence consists of appellants' comparable sales #2 and #3 along with board of review comparable sale #2. These three properties sold in April and September 2013 for prices ranging from \$37,000 to \$110,000 or from \$35.71 to \$127.31 per square foot of living area, including land. Furthermore, the Property Tax Appeal Board finds that appellants' comparable #2 was somewhat inferior to the subject property as the dwelling lacks a basement foundation which is a feature of the subject property. The subject's assessment reflects a market value of \$107,555 or \$98.86 per square foot of living area, including land, which is within the range of the best comparables presented.

After analyzing the properties and adjusting for differences, the Board finds that the subject's estimated market value based on its assessment appears to be justified and no reduction in the subject's assessment 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

*K. L. Fan*

*Klaus Albrecht*

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

*JR*

*Jerry White*

\_\_\_\_\_  
Member

\_\_\_\_\_  
Acting Member

*Robert Steffen*

\_\_\_\_\_  
Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

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: December 18, 2015

*A. Proctor*

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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.