



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

APPELLANT: Patrick Koziol & Timothy Ramseyer
DOCKET NO.: 14-02362.001-R-1
PARCEL NO.: 06-14-252-008

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: \$4,655
IMPR.: \$26,513
TOTAL: \$31,168

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 dwelling of frame construction with 1,288 square feet of living area. The dwelling was constructed in 1923. Features of the home include a partial basement with finished area and a detached 380 square foot garage. The property has a 4,293 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on both the recent sale of the subject and on five comparable sales.

As to the sale of the subject, the appellants submitted evidence disclosing the subject property was purchased on November 30, 2012 for a price of \$52,500. 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 had been on the market for 48 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 house "needs some improvements" and was REO/Lender owned, Pre-Foreclosure; and a copy of the Listing & Property History Report depicting the original listing date of September 28, 2012 with an asking price of \$64,900 with a reduction on October 29, 2012 with an asking price of \$54,900.

The appellants also submitted information on five comparable sales where comparable #1 is also the subject property. The comparables are located within 1.01-miles from the subject property. The four comparable properties consist of one-story dwellings that were built between 1920 and 1928. The homes range in size from 1,008 to 1,375 square feet of living area and feature full or partial basements. Two of the comparables have central air conditioning and three comparables have a garage ranging in size from 324 to 378 square feet of building area. These four comparable properties sold between January and May 2014 for prices ranging from \$27,500 to \$75,000 or from \$26.83 to \$57.16 per square foot of living area, including land.

Based on this evidence, the appellants requested a total assessment of \$17,452 which would reflect a market value of approximately \$52,356.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,168. The subject's assessment reflects a market value of \$93,513 or \$72.60 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

In response to the appeal, the board of review submitted a statement from the Elgin Township Assessor's Office asserting the subject property was purchased as a foreclosure in a cash transaction. Additionally, since the purchase, the owner has obtained permits in 2012 and 2013 to improve the property. Copies of permits reflect replacement windows and various electric, heating/AC and plumbing repairs/changes to remodel the basement.

In support of the subject's assessment, the board of review through the township assessor submitted a grid analysis depicting five comparable sales¹ located on the west side of Elgin. The five legible one-story frame comparables were built between 1918 and 1930. The homes range in size from 1,043 to 1,152 square feet of living area and feature full or partial basements, one of which has finished area. Each comparable has a garage ranging in size from 216 to 378 square feet of building area. These five legible comparables sold between January 2011 and December 2013 for prices ranging from \$90,000 to \$115,000 or from \$78.13 to \$102.68 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. Moreover, the board of review's comparables did not indicate proximity to the subject property and therefore, it is argued, fails to provide substantive documentary evidence. In a grid reiterating both parties' comparables, the appellants reported the board of review comparables were from .54 of a mile to 1.03-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,

¹ The assessor's statement references six comparable sales and the grid appears to have been photocopied in a manner that cut-off the sixth property.

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.

As to the purchase price of the subject property that occurred in November 2012 for \$52,500, the Property Tax Appeal Board has given little weight to this sale which was 13 months prior to the assessment date at issue of January 1, 2014 and therefore is found to be remote in time and less likely to be indicative of the subject's market value as of the assessment date.

The parties submitted a total of nine comparable sales to support their respective positions before the Property Tax Appeal Board. The appellants' comparable #3 has been given reduced weight as the property lacks a garage which is a feature of the subject property. The Board has also given reduced weight to board of review comparables #1, #3 and #5 which sold in 2011 and 2012, dates more remote in time to the assessment date and, like the sale of the subject, are less likely to be indicative of the subject's estimated market value as of January 1, 2014.

The Board finds the best evidence of market value to be appellants' comparable sales #2, #4 and #5 along with board of review comparable sales #2 and #4. These five comparables had varying degrees of similarity to the subject property. These most similar comparables sold between February 2013 and May 2014 for prices ranging from \$27,500 to \$102,500 or from \$26.83 to \$98.27 per square foot of living area, including land. The subject's assessment reflects a market value of \$93,513 or \$72.60 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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

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

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.