



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

APPELLANT: Patrick Koziol & Timothy Ramseyer
DOCKET NO.: 14-02364.001-R-1
PARCEL NO.: 06-23-201-003

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: \$5,416
IMPR.: \$16,249
TOTAL: \$21,665

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 836 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full basement with finished area, central air conditioning and a detached 280 square foot garage. The property has a 5,856

square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on January 22, 2013 for a price of \$54,000. 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 215 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 and garage "need TLC" and was sold as-is for cash; and a copy of the Listing & Property History Report depicting the original listing date of May 2, 2012 with an asking price of \$69,000, followed by two price reductions to a final new asking price of \$59,000 as of October 16, 2012. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$21,665. The subject's assessment reflects a market value of \$65,002 or \$77.75 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 three comparable sales. The assessor noted the subject property was not owner occupied and the sale was an estate sale for cash. The comparables were located on the south west side of Elgin as was the subject. The comparables were improved with one-story dwellings of frame construction that were built between 1913 and 1955. The homes range in size from 808 to 924 square feet of living area and feature basements, one of which has finished area. Each of the comparables has a garage ranging in size from 216 to 280 square feet of building area and one comparable also has a 240 square foot carport. The comparables sold from July 2013 to August 2014 for prices ranging from \$89,500 to \$130,000 or from \$107.00 to \$141.00 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 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. Counsel also argued that the board of review did not indicate the proximity of its properties to the subject and should therefore be given less weight.

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 four sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #3 which was built in 1955 and is therefore much newer than the subject dwelling.

On this record, the Board finds the best market value evidence consists of appellants' purchase price of the subject property along with board of review comparable sales #1 and #2. The comparables have varying degrees of similarity to the subject property. These properties sold in July and December 2013 for prices of \$89,500 and \$90,000 or for \$107.00 and \$111.00 per square foot of living area, including land. The subject property was purchased in January 2013 for \$54,000 or \$64.59 per square foot of living area, including land. The subject's assessment reflects a market value of \$65,002 or \$77.75 per square foot of living area, including land, which is within the range of the subject's recent purchase price and 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.

Chairman



Member

Member



Member

Acting Member



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: January 22, 2016



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.