



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

APPELLANT: Patrick Koziol & Timothy Ramseyer
DOCKET NO.: 14-02383.001-R-1
PARCEL NO.: 06-14-177-013

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: \$6,502
IMPR.: \$20,349
TOTAL: \$26,851

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 1,252 square feet of living area. The dwelling was constructed in 1915. Features of the home include a full unfinished basement. The property has a 6,065 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 April 18, 2013 for a price of \$38,000. 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 56 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 does need work though, and buyers will be resp. for any and all repairs cited by Elgin code enforcement" with the property sold as-is for cash as an REO/Lender owned, Pre-Foreclosure; and a copy of the Listing & Property History Report depicting the original listing date of February 8, 2013 with an asking price of \$44,900 and a new reduced asking price of \$39,900 as of March 14, 2013. 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 \$26,851. The subject's assessment reflects a market value of \$80,561 or \$64.35 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

In support of the subject's assessment, the board of review submitted four suggested comparable sales along with a memorandum which data was all prepared by the Elgin Township Assessor's Office.

The comparables had varying degrees of similarity when compared to the subject, although each has a garage ranging in size from 216 to 528 square feet of building area which is not a feature of the subject property. The comparables sold from October 2012 to February 2014 for prices ranging from \$86,000 to \$132,900 or from \$74.00 to \$89.00 per square foot of living area, including land.

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

In written rebuttal, counsel for the appellants reiterated that the basis of this appeal was the recent sale of the subject property. Counsel contends that the subject's purchase was an

arm's length transaction which has not been disputed by the board of review's evidence.

Moreover, counsel argued that board of review comparables #2 and #3 sold in 2012 which should be given less weight as of the January 1, 2014 assessment date.

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 five sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #2 and #3 which sold in 2012, dates more remote in time to the valuation date at issued of January 1, 2014.

On this record, the Board finds the best market value evidence consists of the sale of the subject which occurred in April 2013 for a price of \$38,000, including land, along with board of review comparable sales #1 and #4 that occurred in July 2013 and February 2014 for prices of \$86,000 and \$121,000 or for \$74.00 and \$89.00 per square foot of living area, including land. Furthermore, the Property Tax Appeal Board finds that board of review comparables #1 and #4 were somewhat superior to the subject dwelling with garages as compared to the subject property that does not have a garage. The subject's assessment reflects a market value of \$80,561 or \$64.35 per square foot of living area, including land, which is below the best comparables presented by the board of review.

After analyzing the properties and adjusting for differences along with consideration of the subject's purchase price which occurred 8 months prior to the assessment date of January 1, 2014, 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

K. L. Fan

Mario Alvarez

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.