



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

APPELLANT: Timothy Ramseyer & Patrick Koziol  
DOCKET NO.: 14-02396.001-R-1  
PARCEL NO.: 06-24-477-010

The parties of record before the Property Tax Appeal Board are Timothy Ramseyer & Patrick Koziol, 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 a reduction 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: \$5,666  
IMPR.: \$12,242  
TOTAL: \$17,908**

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 two-story dwelling of frame construction with 1,990 square feet of living area. The dwelling was constructed in 1899. Features of the home include a full unfinished basement and a detached 252 square foot garage. The property has a 6,402 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 six comparable sales.

As to the sale of the subject property, the appellants submitted evidence disclosing the subject property was purchased on December 7, 2012 for a price of \$37,000. 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 164 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 was "a great buy for the handyman!" and "needs work and TLC" as a short sale sold as-is for cash; and a copy of the Listing & Property History Report depicting the original listing date of June 27, 2012 with an asking price of \$70,000.

The appellants also submitted information on six comparable sales where comparable #1 is also the subject property. The comparables are located within .97 of a mile from the subject property. The five comparable properties consist of two-story dwellings that were built between 1900 and 1905. The homes range in size from 1,804 to 2,112 square feet of living area with a full basement. Two of the comparables have a fireplace and one comparable has central air conditioning. Three of the comparables have a garage ranging in size from 360 to 572 square feet of building area. These five comparable properties sold between August 2013 and April 2014 for prices ranging from \$50,100 to \$59,700 or from \$25.05 to \$29.57 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 \$31,969. The subject's assessment reflects a market value of \$95,917 or \$48.20 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 memorandum prepared by the Elgin township Assessor's Office

contending that the appellants' comparable sales were "distressed sales" as foreclosure or short sale properties; foreclosure sales are "excluded from the County sales ratio study; and comparable sale #6 "needs a ton of TLC."

In support of the subject's assessment, the board of review submitted an income approach to value and five suggested comparable sales along which data was prepared by the Elgin Township Assessor's Office.

The comparables had varying degrees of similarity when compared to the subject. The comparables were located from .31 of a mile to 1.96-miles from the subject property. The comparables were described as a part one-story, part 1.5-story and part two-story dwelling, a part one-story and part two-story and three, two-story dwellings that were built in 1900 or 1920. The homes range in size from 1,886 to 2,026 square feet of living area. Features include basements, two of which have finished areas. Two comparables have a fireplace and each has a garage ranging in size from 308 to 500 square feet of building area. The comparables sold from December 2012 to April 2014 for prices ranging from \$108,000 to \$182,000 or from \$54 to \$92 per square foot of living area, including land, rounded.

Because the appellant owns multiple parcels in the township and the tax bill is being sent to an alternate address, the assessor asserted it was reasonable to assume the subject is a rental property. Therefore, the assessor developed the income approach to value using the gross rent multiplier (GRM) methodology. By extracting a GRM from six single family comparables, the assessor estimated the subject property would have a gross annual income of \$16,800. Based on the six comparable sales, the assessor extracted a GRM of 8. Applying the GRM to the subject's estimated gross annual income, the assessor calculated the subject property had a market value of \$134,400 under the income approach to value.

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, as to the income approach to value, the appellants through counsel argue the analysis should be given no weight in light of existing case law finding that greater weight should be placed on comparable sales data when such evidence is available. As to comparable sale properties that were foreclosures, appellants' counsel argued the applicable statutory provisions of the Property Tax Code which mandate consideration of such sales in modifying the assessment of 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 met this burden of proof and a reduction in the subject's assessment is warranted.

First, the Board gave little weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is other credible market value data available. Additionally, the Board gave little weight in its analysis to the six single family sales that were used by the assessor to develop the GRM data as the dwellings were mostly newer than the subject dwelling and/or differ in dwelling size.

The assessor noted the subject property and five of the appellants' comparable properties sold as foreclosures. Section 1-23 of the Code defines compulsory sale as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it instructive and appropriate to consider the sale of the subject property and comparable foreclosure and short sale properties in revising and correcting the subject's assessment.

Including the purchase price of the subject property, the parties submitted a total of eleven sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellants' comparables #3 and #5 as these properties lack a garage feature which is present at the subject property. The Board has also given reduced weight to the sale price of the subject property and to board of review comparable #1 as these sales occurred in 2012, a date more remote in time to the valuation date at issue of January 1, 2014 and thus less likely to be indicative of the subject's estimated market value as of the assessment date. Reduced weight has been given to board of review comparables #2 through #5 as these properties are all more than 1.29-miles from the subject property, have finished basements and/or a fireplace which differ from the subject property. Additionally, the Board finds the board of review comparable #5 is an outlier in its sale price when compared to the other sales presented in this record.

On this record, the Board finds the best market value evidence consists of appellants' sales #2, #4 and #6 which were each located in close proximity to the subject dwelling, were similar in design, age and size to the subject and have similar features of a basement and a garage. These properties sold in August 2013 and April 2014 for prices ranging from \$50,100 to \$59,700 or from \$25.05 to \$29.57 per square foot of living area, including land. The subject's assessment reflects a market value of \$95,917 or \$48.20 per square foot of living area, including land, is above the range of the most similar comparables in the record both in terms of overall value and on a per-square-foot basis. The Board finds on this record that the subject's estimated market value based on its assessment

appears to be excessive when giving due consideration to the most similar comparable sales data.

In conclusion, the Board finds the subject's assessment is excessive and not reflective of market value. Therefore, the Board finds a 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



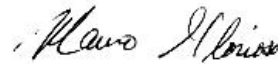
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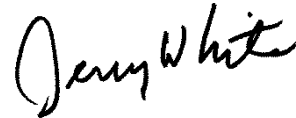
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DISSENTING: \_\_\_\_\_

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



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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.