



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

APPELLANT: Keith Boudart
DOCKET NO.: 14-02409.001-R-1
PARCEL NO.: 06-19-407-005

The parties of record before the Property Tax Appeal Board are Keith Boudart, the appellant, by attorney Richard J. Caldarazzo, of Mar Cal Law, P.C. in Chicago; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$20,863
IMPR.: \$46,425
TOTAL: \$67,288

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 part one-story and part two-story dwelling of frame exterior construction with 2,531 square feet of living area. The dwelling was constructed in 2005. Features of the home include a partial unfinished basement, central air conditioning and a 547 square foot garage. The property has an 8,250 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on three equity comparables located within three blocks from the subject property. The comparables consist of part one-story and part two-story dwellings and a two-story dwelling of frame exterior construction that are approximately 9 and 10 years old. Features had varying degrees of similarity when compared to the subject. The dwellings contain 2,531 and 2,718 square feet of living area and have improvement assessments

ranging from \$44,901 to \$46,671 or from \$17.17 to \$17.85 per square foot of living area. Based on this evidence, the appellant requested the total assessment be reduced to \$65,383.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$67,288. The subject property has an improvement assessment of \$46,425 or \$18.34 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on six¹ equity comparables located in the same neighborhood as the subject property. The comparables are improved with part one-story and part two-story dwellings of frame exterior construction that were built from 2006 to 2009. Features had varying degrees of similarity when compared to the subject. The dwellings each have 2,531 square feet of living area and have improvement assessments ranging from \$46,205 to \$46,536 or from \$18.26 to \$18.39 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains eight assessment comparables for the Board's consideration. The Board finds these comparables are similar when compared to the subject in location, age, exterior construction, dwelling size and features. These comparables have improvement assessments ranging from \$44,901 to \$46,536 or from \$17.17 to \$18.39 per square foot of living area. The subject property has an improvement assessment of \$46,425 or \$18.34 per square foot of living area, which falls within the range established by the assessment comparables contained in the record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

¹ Copies of the board of review's comparable #6 is illegible and was not used as a comparable.

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

DISSENTING: _____

CERTIFICATION

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: August 19, 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.