



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

APPELLANT: Patrick Koziol & Timothy Ramseyer  
DOCKET NO.: 14-02576.001-R-1  
PARCEL NO.: 06-12-461-001

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 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: \$6,579  
IMPR.: \$15,073  
TOTAL: \$21,652**

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 800 square feet of living area. The dwelling was constructed in 1890. Features of the home include a full unfinished basement. The property has an 8,712 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 March 22, 2013 for a price of \$32,000. 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 was on the market for 12 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 property was an "REO - Rehab started but never completed" and was sold as-is for cash; and a copy of the Listing & Property History Report depicting the original listing date of December 3, 2012 with an asking price of \$34,900. 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 \$24,279. The subject's assessment reflects a market value of \$72,844 or \$91.06 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 an income approach to value and three suggested comparable sales along with a memorandum which data was all prepared by the Elgin Township Assessor's Office.

The comparables, located on the east side of Elgin like the subject, had varying degrees of similarity when compared to the subject, including that each comparable had a garage ranging in size from 352 to 400 square feet of building area which was not a feature of the subject property. The comparables sold from March 2013 to January 2014 for prices ranging from \$71,000 to \$75,000 or from \$91 to \$97 per square foot of living area, including land, rounded.

Because the subject is "an income producing property," 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 \$10,800. Based on the six comparable sales, the assessor extracted a GRM of 7.5. Applying the GRM to the subject's estimated gross annual income, the assessor calculated the subject property had a market value of \$81,000 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. Additionally, counsel argued that the board of review's comparables did not indicate proximity to 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 each substantially larger than the subject dwelling and were also mostly newer than the subject dwelling.

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. Each of the three board of review comparable sales were superior to the subject property by having a garage, which is not an amenity of the subject.

On this record, the Board finds the best market value evidence consists of the sale of the subject which occurred in March 2013 for a price of \$32,000 or for \$40 per square foot of living area, including land, along with the three board of review comparable sales that occurred between March 2013 and January 2014 for prices ranging from \$71,000 to \$75,000 or from \$91 to \$97 per square foot of living area, including land, rounded. Furthermore, the Property Tax Appeal Board finds that board of review comparables #1 and #3 were substantially newer than the subject dwelling. The subject's assessment reflects a market value of \$72,844 or \$91.06 per square foot of living area, including land, which is very similar to the sale price of board of review comparable #2 which is similar in age, size and most features, except the garage, when compared to the subject. 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 excessive given its lack of a garage amenity as compared to the most similar comparable, board of review comparable #2 which sold in September 2013 for \$75,000.

In conclusion, the Board gave lesser weight to the subject's sale price of \$32,000 that occurred in March 2013 due to the fact the sale was more remote in time to the valuation date of January 1, 2014 and the property was exposed on the open market for 12 days. In light of most similar comparable #2 presented by the board of review, 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

*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*

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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.