



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

APPELLANT: Judy Webb
DOCKET NO.: 15-00741.001-R-1
PARCEL NO.: 04-02-230-012

The parties of record before the Property Tax Appeal Board are Judy Webb, the appellant; and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$7,100
IMPR.: \$79,567
TOTAL: \$86,667

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kendall County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 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. The parties disagree on the dwelling's living area. The board of review claims the subject dwelling has 1,958 square feet of living area, while the appellant claims the dwelling has 1,900 square feet of living area.¹ The board of review provided the subject's property record card with a schematic drawing, indicating the subject dwelling has 1,958 square feet of living area. The Board finds the board of review's claim has better support. The dwelling was constructed in 2014. Features of the home include a 1,900 square foot basement that is unfinished, a fireplace, central air conditioning, and

¹ The appellant's own evidence undermined this claim. As part of the submission, the appellant presented information about the subject from an undisclosed source revealing the subject property has 1,965 square feet of "gross living area."

an attached four-car garage.² The property has a 45,222 square foot site and is located in Yorkville, Fox Township, Kendall County.

In Section 2d of the residential appeal form, the appellant indicated the appeal was being based on assessment inequity. In support of this argument, the appellant submitted a grid analysis with incomplete information on four equity comparables that were located from two blocks to 2.4 miles from the subject property. The comparables are improved with one-story or two-story dwellings of frame, brick, or frame and brick construction.³ The appellant reported the dwellings range in age from 11 to 34 years and contain from 2,000 to 3,800 square feet of living area.⁴ Three of the comparables have finished basements and central air conditioning; three comparables have a fireplace each; and the comparables have garages, either 420 or 600 square feet of building area. On the grid analysis, the appellant did not report assessment information for the comparable properties.⁵

In a letter dated February 17, 2016, the appellant stated she was unable to find a website for the Fox Township Assessor. The appellant stated her belief that homes "with larger square footage than my home that is 1900 square feet" were being "assessed much lower with much more square footage." The appellant provided a list of nine properties with street addresses, living area, and assessed values. The appellant did not provide any information regarding design, exterior construction, age and features like basements, central air conditioning, and garages, if any. The appellant stated this information was obtained from the "county assessor" website. The appellant reported that properties #1 through #8 range in size from 2,100 to 3,800 square feet of living area and their **2014** assessed values⁶ range from \$80,123 to \$116,734 or from \$25.36 to \$44.05 per square foot of living area. The last property on the list was the subject property, and the appellant reported the subject has 1,900 square feet of living area and its **2015** assessed value was \$86,668, or \$45.61 per square foot of living area.⁷ The appellant also provided a copy of the board of review's final decision for the 2015 assessment year, dated January 22, 2016, which disclosed the subject property had a total assessment of \$86,668 and an improvement assessment of \$79,567.

In Section IV – Recent Sale Data of the appeal form, the appellant provided information on the March 26, 2015 sale of the subject property at a price of \$187,000. The appellant stated the property was purchased from "Triumph Bank to HACU to residents (us);" the property was sold

² The parties also disagreed on the size of the subject's garage and whether the subject has a fireplace. The board of review claims the subject has a fireplace and a 920 square foot garage. The appellant claims the subject does not have a fireplace and the garage has 840 square foot of building area.

³ In the appellant's grid analysis, comparable #2 is listed as being split-level in design; however, photographic evidence provided by the appellant indicates the dwelling is actually two-story in design.

⁴ The appellant may have used MLS data sheets as a source for the comparables' characteristics. In the grid analysis, the appellant listed comparable #4 as having 3,800+ square feet of living area. The appellant provided a portion of the MLS data sheet for comparable #4, which disclosed the property had "almost 4,000 square feet of living area" and a full finished walkout basement. The board of review provided the parcel data sheet for this property, which revealed this dwelling has 1,982 square feet of living area.

⁵ The board of review provided the 2015 assessment information for the appellant's comparables #1 and #4. Comparables #1 and #4 have 1,808 and 1,982 square feet of living area with improvement assessments of \$74,219 and \$90,230 or \$41.05 and \$45.52 per square foot of living area, respectively. The board of review did not provide assessment information for the appellant's comparables #2 and #3.

⁶ The "assessed values" reported by the appellant are actually the 2014 total assessments for these properties.

⁷ The appellant also reported the subject's 2014 total assessment was \$7,000 when the subject's home was under construction.

by "HACU – Becky;" a realtor did not handle the transaction; the property was not advertised for sale; and the property was occupied in December 2014. The appellant did not submit any additional evidence regarding the subject's sale.

In Section V – Comparable Sales/Assessment Grid Analysis of the appeal form, the appellant provided sale prices for the equity comparables. The appellant reported the comparables sold from July 2006 to September 2015 for prices that ranged from \$142,500 to \$342,500. The appellant did not provide the sale price per square foot for the comparables. Based upon the sale prices reported by the appellant and the living area listed in the appellant's grid analysis, the comparables have sale prices that range from \$57.00 to \$156.67 per square foot of living area, land included.

On the basis of this evidence, the appellant requested that the subject's total assessment be reduced to \$79,667 with an improvement assessment of \$72,567.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$86,667. The subject property has an improvement assessment of \$79,597 or \$40.64 per square foot of living area. The subject's total assessment of \$86,668 reflects a market value of \$260,027 or \$132.80 per square foot of living area, including land, when applying the 2015 three-year average median level of assessment for Kendall County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted a memorandum and information on four equity comparables located in the same subdivision as the subject property. The comparables are improved with one-story dwellings of frame exterior construction. The dwellings were constructed from 2003 to 2006 and contain from 2,000 to 2,022 square feet of living area. The comparables had full unfinished basements, central air conditioning, and garages ranging in size from 640 to 735 square feet of building area. One comparable has a fireplace. The dwellings have improvement assessments ranging from \$77,766 to \$83,612 or from \$38.88 to \$41.35 per square foot of living area. The board of review also provided sale prices for these properties. The prices for comparables #2 and #4 were for land sales in 2003 and 2002, respectively. Comparables #1 and #3 sold in September 2012 and December 2014 for prices of \$245,000 and \$250,000 or for \$121.17 and \$125.00 per square foot of living area, land included.

In the memorandum, the board of review submitted a rebuttal to the appellant's list of eight properties. The board of review stated that properties #2 through #4, #6 and #7 should not be given any weight because they are two-story dwellings. The board of review also provided parcel information reports and property record cards for properties #1, #5 and #8. The board of review stated the appellant had provided incorrect figures for their living areas and assessments. The board of review stated that property #1 has a living area of 1,982 square feet and an improvement assessment of \$45.52 per square foot of living area; property #5 has a living area of 2,595 square feet and an improvement assessment of \$42.92 per square foot of living area; and property #8 has a living area of 1,808 square feet and an improvement assessment of \$41.05 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 in part 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.

Both parties presented assessment data on a total of eight suggested comparables. The Board finds the appellant submitted incomplete information on four equity comparables, and the board of review submitted four equity comparables of their own and assessment information for the appellant's comparables #1 and #4. The Board gave less weight to the appellant's equity comparables. The appellant's evidence for comparables #2 and #3 was incomplete and what evidence was provided indicated that these two comparables differed from the subject in location, design and/or age. The appellant's comparables #1 and #4 were more similar to the subject in location and design; however, these comparables had finished basements that were dissimilar from the subject. As a result, the appellant's comparables received less weight in the Board's analysis. The Board finds the best evidence of assessment equity to be the comparables submitted by the board of review. These comparables were located in the same subdivision as the subject and were one-story, frame dwellings with unfinished basements like the subject. Despite being somewhat older than the subject, the board of review comparables were also very similar to the subject in living area. These comparables had improvement assessments that ranged from \$38.88 to \$41.35 per square foot of living area. The subject's improvement assessment of \$40.64 per square foot of living area falls within the range established by the best comparables in this 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 based on inequity is not justified.

The appellant also provided a list of eight properties with their living areas and 2014 assessments in an attempt to show that the subject was inequitably assessed. The board of review submitted a rebuttal challenging the appellant's evidence, which was not refuted by the appellant. The board of review stated that five of these properties on this list were two-story, not one-story like the subject and the appellant had reported incorrect living areas and assessments for the three comparables that were one-story like the subject. Consequently, the Board gave no weight to the appellant's list of eight properties. The lack of descriptive information about these properties prevents a meaningful analysis to determine if they are actually similar to the subject property. In addition, the Board finds the appellant's assessment data was not credible.

The appellant contends in part that 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 appellant did not meet this burden of proof and a reduction in the subject's assessment based on overvaluation is not warranted.

In this appeal, the Board finds the appellant submitted limited information regarding the sale of the subject in March 2015 for a price of \$187,500. The appellant was not able to demonstrate the subject's sale was actually an arm's length transaction. When completing Section IV – Recent Sale Data of the appeal form, the appellant stated that the subject property had not been advertised for sale, and the appellant did not submit any evidence to show that the property had ever been exposed to the market. As a result, the sale of the subject received no weight in the Board's analysis.

The Board finds the appellant provided sale prices for the four comparables listed in Section V of the appeal form, and the board of review provided sale prices for the four comparables listed in the grid analysis of the Notes on Appeal. The Board gave little weight to three of the appellant's comparables. The appellant reported that comparable #1 sold in 2006, which was not proximate to a 2015 appeal. Comparables #2 and #3 sold in 2014 and 2015 but differed from the subject in location; comparable #2 differed in design; and comparable #3 was much older than the subject. As a result, the appellant's comparables #1 through #3 were not shown to be sufficiently comparable to the subject property. Three of the board of review comparables also received little weight. Board of review comparable #1 sold in 2012, which was not proximate to the January 1, 2015 assessment date, and comparables #2 and #4 were land sales from 2003 and 2002, respectively.

The Board considered the appellant's comparable #4 and board of review comparable #3 to be the best comparable sales in the record. These properties, despite being somewhat older than the subject, were located in the same subdivision as the subject and were similar in design, construction, living area and foundation. The Board gave less weight to the appellant's comparable #4 due to its finished basement that was dissimilar from the subject. The Board gave more weight to board of review comparable #3. This property has an unfinished basement like the subject and sold proximate to the January 1, 2015 assessment date in December 2014 for a price of \$250,000 or for \$125.00 per square foot of living area, land included. The subject's assessment reflects a market value of \$260,027 or \$132.80 per square foot of living area, including land, that falls slightly above the market value of the best comparable sale in this record. Nevertheless, the Board finds the subject's assessment is justified due to its newer age and larger garage area. Based on this record, the Board finds the appellant was not able to demonstrate that the subject was overvalued and a reduction in the subject's assessment based on overvaluation is not justified.

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.