



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

APPELLANT: THR Property Illinois, LP
DOCKET NO.: 15-00815.001-R-1
PARCEL NO.: 03-07-402-006

The parties of record before the Property Tax Appeal Board are THR Property Illinois, LP, the appellant, by attorney Jeffrey G. Hertz of Sarnoff & Baccash, in Chicago; 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: \$ 9,613
IMPR.: \$39,926
TOTAL: \$49,539

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 tri-level style dwelling of brick and frame exterior construction that has 1,104 square feet of living area. The dwelling was built in 1987. Features include a finished lower level and a 484 square foot garage. The subject property has a 14,694 square foot site. The subject property is located in Oswego Township, Kendall County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of the overvaluation argument, the appellant partially completed Section IV of the residential appeal petition. The appeal petition depicts the subject property sold for \$115,000 in April 2013. The appeal petition indicates the sale was not between family or related corporations and the property was advertised for sale through the Multiple Listing Service. The appellant submitted a copy of

the settlement statement and Multiple Listing Service sheet associated with the sale of the subject property.

In support of the inequity argument, the appellant submitted information for three assessment comparables located within the same subdivision as the subject. The comparables consist of tri-level or one-story dwellings of unknown exterior construction that were built in 1988. Features had varying degrees of similarity when compared to the subject. The dwellings range in size from 1,050 to 1,218 square feet of living area. The comparables have improvement assessments ranging from \$39,531 to \$46,548 or from \$24.56 to \$33.46 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$43,539. The subject's assessment reflects an estimated market value of \$148,632 or \$134.63 per square foot of living area including land area when applying the statutory level of assessment of 33.33%. The subject property has an improvement assessment of \$39,926 or \$36.16 per square foot of living area.

In support of the subject's assessment, the board of review submitted four comparables located within the same subdivision as the subject. The comparables consist of tri-level style dwellings of frame or brick and frame exterior construction that were built from 1976 to 1987. Features had varying degrees of similarity when compared to the subject. The dwellings range in size from 1,026 to 1,170 square feet of living area. The comparables sold from May to August of 2014 for prices ranging from \$135,500 to \$159,900 or from \$115.81 to \$155.85 per square foot of living area including land. The comparables have improvement assessments ranging from \$33,580 to \$40,856 or from \$32.73 to \$37.01 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 appellant contends 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 no reduction in the subject's assessment is warranted.

The Board gave little weight to the subject's April 2013 sale price. The Board finds the subject's sale occurred 20 months prior to the subject's January 1, 2015 assessment date, which is dated and not a reliable indicator of market value.

The board of review submitted three comparables sales to support its assessment of the subject property. The comparables were similar when compared to the subject in location, land area, design, age, dwelling size and most features. The comparables sold from May to August of 2014 for prices ranging from \$135,500 to \$159,900 or from \$115.81 to \$155.85 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$148,632 or \$134.63 per square foot of living area including land, which is supported by the similar comparable sales contained in the record. This evidence further demonstrates the

subject's sale price was not reflective of market value. Based on this analysis, the Board finds no reduction in the subject's assessment is warranted.

The taxpayer also argued assessment inequity as an alternative 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.

The parties submitted six assessment comparables for the Board's consideration. The Board gave less weight to comparable #2 submitted by the appellant due to its dissimilar design and inferior crawl space foundation when compared to the subject. The Board finds the remaining five comparables are more similar when compared to the subject in location, design, age, dwelling size and features. These comparables have improvement assessments ranging from \$33,580 to \$40,856 or from \$32.18 to \$37.01 per square foot of living area. The subject property has a land assessment of \$39,926 or \$36.16 per square foot of living area, which falls within the range established by the most similar assessment comparables contained. Therefore, no reduction in the subject's land 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



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: _____

February 24, 2017



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.