



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

APPELLANT: Thomas & Lyn E. Janeteas
DOCKET NO.: 15-01068.001-R-1
PARCEL NO.: 09-08-151-001

The parties of record before the Property Tax Appeal Board are Thomas and Lyn E. Janeteas, the appellants; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$37,731
IMPR.: \$102,269
TOTAL: \$140,000

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 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 is improved with a two-story dwelling of dryvit exterior construction that contains 3,997 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full unfinished basement, central air conditioning, two fireplaces and an attached three-car garage. The property also has an in-ground swimming pool. The property has a 1.27-acre site and is located in St. Charles, St. Charles 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 January 29, 2015 for a price of \$410,000. The appellants identified the seller as Capital One, however, the closing statement identified the seller as Wells Fargo Bank, NA. The appellants further indicated the property was sold through a Realtor and the property had been advertised in the Multiple Listing Service (MLS). To document the purchase, the appellants submitted a copy of the subject's MLS listing sheet and a copy of the settlement statement.

In further support of the overvaluation argument the appellants submitted a copy of an appraisal prepared by Paul W. Krant, a certified residential real estate appraiser. Krant identified the client as Cherry Creek Mortgage Company, Inc., and indicated the purpose of the appraisal was to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property. The intended use of the report was for a mortgage finance transaction only and not for any other use. The intended user of the appraisal report was the lender/client and HUD/FHA, no additional intended users were identified by the appraiser. Krant estimated the subject property had a market value of \$420,000 as of November 10, 2014.

In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using three sales and two listings improved with two-story style dwellings that ranged in size from 2,982 to 4,223 square feet of living area. The dwellings ranged in age from 18 to 38 years old. Each comparable has a basement with three having finished area, central air conditioning, and a three-car or a four-car garage. Four of the comparables have one or two fireplaces and one comparable has an in-ground swimming pool. The comparables have sites ranging in size from 1.24 to 3.07 acres and were located in St. Charles from .44 of a mile to 1.60 miles from the subject property. Comparables #1 through #3 sold from May 2014 to July 2014 for prices of \$417,000 and \$420,000 or from \$99.46 to \$140.85 per square foot of living area, including land. The two listings had prices of \$399,900 and \$440,000 or \$97.92 and \$125.21 per square foot of living area, including land, respectively. The appraiser made adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$407,424 to \$427,520. Using these comparable sales, the appraiser arrived at an estimated market value of \$420,000 as of November 10, 2014.

Based on this evidence, the appellants requested the subject's assessment be reduced to \$140,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$162,938. The subject's assessment reflects a market value of \$489,156 or \$122.38 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information provided by the township assessor on five comparable sales. The comparables are improved with two-story dwellings of frame and brick or frame and stucco construction that range in size from 3,186 to 4,038 square feet of living area. The dwellings were constructed from 1993 to 2000. Each comparable has a basement with four having finished area, central air conditioning, one or two fireplaces and an attached garage ranging in size from 652 to 732 square feet of building area. The comparables have sites ranging in size from 1.25 to 1.37 acres and are located from 353 feet to 1.13 miles from the subject property. These properties sold from April 2013 to March 2015 for prices ranging from \$529,000 to \$809,000 or from \$136.77 to \$172.63 per square foot of living area, including land.

The township assessor also asserted that only appraisal comparable sale #2 sold as a non-compulsory sale. The assessor also asserted that appraisal comparable sales #3 and #4 were on

the market for an extremely long period of time; 528 days and 353 days, respectively, according to the copies of the Listing & Property History Reports for each comparable provided by the assessor. The assessor also was of the opinion these two comparables were inferior to subject in quality of construction and differed from the subject in style. The assessor also provided information disclosing that appraisal comparables #4 and #5 each sold in April 2015 for prices of \$380,000 and \$440,000 or for \$93.05 and \$125.21 per square foot of living area, including land, respectively.

The assessor also contends the subject's transaction was a Bank REO distressed sale after the March 2014 Sheriff's sale. The board of review documentation included a copy of the PTAX-203 Illinois Real Estate Transfer Declaration documenting the \$410,000 purchase price and identified the seller as Capital One National Association Successor by Merger to Greenpoint Mortgage Funding, Inc. The board of review also provided a copy of the subject's Listing & Property History Report which indicated that the subject property had been on the market for 90 days.

The appellants submitted rebuttal information which included comments and copies of photographs of the comparable sales selected by the township assessor and the appraisal comparable sales. The appellants explained that the photographs were submitted to demonstrate the inferior aspects of their home compared to the other homes contained in the appraisal and the assessor's comparables. They contend that the comparables that sold for more was due to more desirable materials, such as brick exteriors and brick fireplaces, updated kitchens and baths, and finished basements. They also asserted that the comparables had many other updates such as new roofs, windows, flooring, lighting and appliances.

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.

The Board finds the appellants provided the best evidence of market value of the subject property which included the purchase of the subject property in January 2015 for a price of \$410,000 and the appraisal estimating the subject property had a market value of \$420,000 as of November 10, 2014. The appellants provided evidence demonstrating the sale elements of an arm's length transaction. 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 had been on the market for 90 days. In further support of the transaction the appellant submitted a copy of the sales settlement statement and the board of review provided a copy of the subject's PTAX-203 Illinois Real Estate Transfer Declaration. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds evidence submitted by the board of review did not challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value.

The Board also finds that the appraisal submitted by the appellants further supports their overvaluation argument and lends support to the conclusion that the subject's purchase price was indicative of fair cash value.

The board of review, through the assessor, contends that the subject property was a bank REO (real estate owned) sale and certain comparable sales used by the appellants' appraiser were compulsory sales. 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 is appropriate to consider these types of sales in revising and correcting the subject's assessment and gives this aspect of the board of review's argument less weight.

The board of review did present comparable sales identified by the assessor in support of the assessment. The Board finds, however, the appellants provided copies of photographs which depict these properties as being in superior condition than the subject property, which detracts from the weight that can be given this evidence.

Based on this record the Property Tax Appeal Board finds a reduction to the subject's assessment commensurate with the appellants' request is appropriate.

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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting Member

Member



Member



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: November 21, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Thomas & Lyn E. Janeteas
6N 724 Mallard Lake Road
St.Charles, IL 60175

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134