



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

APPELLANT: Bart A. & Linda J. Biesecker  
DOCKET NO.: 15-01095.001-R-1  
PARCEL NO.: 12-03-480-010

The parties of record before the Property Tax Appeal Board are Bart A. & Linda J. Biesecker, the appellants, by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman, 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 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:** \$28,656  
**IMPR.:** \$77,603  
**TOTAL:** \$106,259

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 consists of a 1.5-story single-family dwelling of frame construction with 1,697 square feet of living area. The dwelling was constructed in 1908. Features of the home include a full unfinished basement, a fireplace and a detached two-car garage. The property has a 7,000 square foot site and is located in Geneva, Geneva 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 23, 2015 for a price of \$319,000. The appellants completed Section IV – Recent Sale Data of the appeal petition disclosing the purchase date and price along with reporting the property was purchased from John F. Amos and the Estate of Lynn A. Amos, deceased. The appellants also reported the parties to the transaction were not related, the property was sold by the executors and was advertised in the Multiple Listing Service (MLS) for a period of five months prior to being sold.

In further support of the sale, the appellants submitted copies of the Warranty Deed, the Zillow website printout, the MLS data sheet and a copy of page one of the Settlement Statement reiterating the purchase price and date. The MLS listing reflects a marketing time of 30 days with an original asking price in October 2014 of \$350,000 before being sold for \$319,000. Based on this evidence, the appellant 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 \$116,105. The subject's assessment reflects a market value of \$348,559 or \$205.40 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 response to the appeal, the board of review submitted a two-page letter along with additional data prepared by Denise LaCure, Geneva Township Assessor. The assessor initially noted the subject property is in "one of the most desirable locations in Geneva" being near the Third Street shopping district and a Metra train station.

As to the sale of the subject, the assessor provided a copy of the Redfin website information on the subject. The listing repeats the remarks made in the MLS data sheet which, according to the assessor, "confirm[s] the charm of the home as well as the meticulous care taken in the maintenance and upkeep of this property." Given that the previous owner of the property was deceased, LaCure opines that "there may have been some urgency in selling the property." The assessor further contends the original July 2014 listing had an offer with a 32 day contingency, the property was temporarily delisted and then re-listed for \$350,000 in October 2014, resulting in a second offer with a 30 day contingency all of which are reflected on the Refin printout. After noting the asking price remained at \$350,000, LaCure state she "believes the sale of the subject should be considered, but should not be the sole factor in determining a fair market value for the subject for the 2015 assessment cycle."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three comparable sales which the assessor specifically argued "should be considered." The comparables are located within .41 of a mile of the subject. The comparables consist of 1.5-story frame dwellings that were built between 1923 and 1948. The homes range in size from 1,464 to 1,985 square feet of living area and feature basements with recreation rooms. Each home has central air conditioning, two comparables each have a fireplace and each comparable has a one-car or a two-car garage. The comparables sold between March 2012 and March 2015 for prices ranging from \$374,900 to \$415,000 or from \$208.86 to \$256.08 per square foot of living area, including land.

Next on the grid analysis, LaCure set forth adjustments to the comparables for lot size at \$2.50 per square foot, bath count, living area size at \$30 per square foot, basement finish at \$15 per square foot, air conditioning at \$5,000 and adjustments for fireplace, garage size and/or other amenities. From this adjustment process, she set forth adjusted sales prices ranging from \$379,220 to \$409,350 or from \$194.70 to \$259.03 per square foot of living area, including land.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

### **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 best evidence of market value to be the purchase of the subject property in January, 2015, approximately two weeks after the assessment date at issue of January 1, 2015, for a price of \$319,000. The appellants provided evidence demonstrating the sale had the 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 had been advertised on the open market with the Multiple Listing Service and it had been on the market for approximately five months before being sold. The assessor agrees with these basic facts concerning the listing and noted that there were to offers to purchase with contingencies, but those sales fell through before the appellants purchased the property.

The Property Tax Appeal Board finds the purchase price of \$319,000 is below the market value reflected by the assessment of \$348,559. The Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. As to comparable sales #1 and #2 presented by the assessing officials, the Board finds these sales to be dated transactions when compared to the assessment date at issue. Furthermore, the Board finds that all three dwellings presented by the assessor were newer than the subject with features, such as central air conditioning and finished basement areas, which were not features of the subject dwelling.

Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Based on this record the Board finds the subject property had a market value of \$319,000 as of January 1, 2015. Since market value has been determined the 2015 three year average median level of assessment for Kane County of 33.31% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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



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Member



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Acting Member



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Member



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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: June 23, 2017



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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.