



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

APPELLANT: Michael & Sara Beyene
DOCKET NO.: 15-01117.001-R-1
PARCEL NO.: 03-29-232-002

The parties of record before the Property Tax Appeal Board are Michael & Sara Beyene, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$18,657
IMPR.: \$103,227
TOTAL: \$121,884

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story dwelling of frame and masonry construction with 3,192 square feet of living area. The dwelling was constructed in 2008. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property has a 10,807 square foot site and is located in Oswego, Oswego Township, Kendall County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased in December 2012 for a price of \$315,000. The appellants completed Section IV – Recent Sale Data of the appeal form disclosing the seller was OOR (owner of record); the parties to the transaction were not related; the property was sold using a realtor; and the property had been advertised for sale on the open market with the Multiple Listing Service (MLS). To document the transaction, the appellants

submitted copies of the settlement statement, the MLS data sheet and a listing history report. The settlement statement revealed the seller was Fannie Mae and commissions were paid to two realty firms. The MLS data sheet and the listing history report revealed the subject had originally been listed for sale at a price of \$384,900 but did not sell. On August 1, 2012, the subject was listed for sale at a price of \$299,900. After 118 days on the market, the subject sold for a price of \$315,000.

The appellants submitted a market analysis with information on six comparable sales; however, comparable #1 was actually the subject property. The report was dated February 14, 2016 but was not signed. Comparables #2 through #6 were located in the same subdivision as the subject and were very similar to the subject in design, age and features. Comparables #3, #4 and #6 were also similar in living area. The comparables sold from August 2013 to December 2014 for prices that ranged from \$293,507 to \$388,250 or from \$96.58 to \$112.73 per square foot of living area, land included. The appellants' analysis also included "Property Equalization Values" that made adjustments to the sale prices for differences in sale date, age, square footage, basement area, bathroom count and size of garage. The appellants did not provide any evidence or an explanation as to how these calculations were arrived at. Based on the Property Equalization Values, the analysis conveyed a value estimate for the subject property of \$315,002. Based on the subject's recent sale and the market analysis, the appellants requested a reduction in the subject's assessment to \$104,990.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$121,884. The subject's assessment reflects a market value of \$365,689 or \$114.56 per square foot of living area, land included, when using 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 information on three comparable sales located in the same subdivision as the subject property. Board of review comparable #2 is actually the same property as the appellants' comparable #4. The comparables are situated on sites containing from 10,078 to 16,630 square feet of land area. The comparables have two-story dwellings with frame and masonry exterior construction. The dwellings were constructed from 2005 to 2008. The dwellings range in size from 3,016 to 3,091 square feet of living area. Each comparable has a full basement, central air conditioning, a fireplace, and a three-car garage. The comparables sold from September 2014 to August 2015 for prices that ranged from \$340,000 to \$390,500 or from \$112.73 to \$126.33 per square foot of living area, land included. As part of its submission, the board of review also provided a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) for each comparable. The transfer tax declarations disclosed that each comparable had been advertised for sale.

As part of its submission, the board of review submitted an analysis of the appellants' evidence. The board of review stated the subject's 2012 sale was dated and not proximate to the January 1, 2015 assessment date. Regarding the appellants' market analysis, the board of review asked if this report had been done by a licensed appraiser. Furthermore, the board of review stated the report was unsigned and no explanation of the adjustments made to sale prices was provided. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellants' attorney submitted a rebuttal brief. Counsel stated the board of review had claimed the appellants' comparable sales were compulsory. Regarding the subject's 2012 sale and the 2013 sales of two of the comparables considered in the market analysis, the appellants' attorney said these sales were relevant because they occurred within three years of the assessment date. Finally, the appellants' attorney stated that the best way to find the subject's market value is through an analysis that determines the median sale price of the best comparables.

In their response to the appellants' rebuttal, the board of review stated they had not claimed the appellants' comparable sales were compulsory.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In this appeal, the appellants' evidence consisted of the December 2012 sale of the subject property and five comparable sales.¹ The Board gave little weight to the subject's dated sale because it occurred over two years prior to the January 1, 2015 assessment date. The Board also gave little weight to four of the comparable sale properties submitted by the appellants. The appellants' comparables #3 and #6 sold in August 2013 and September 2013, respectively. The Board finds these sales were also dated. The Board finds the appellants' comparables #2 and #5 had significantly more living area than the subject and were not considered to be sufficiently comparable to the subject property.

The Board finds the best evidence of market value in the record to be board of review comparables #1 and #3 and the appellants' comparable #4 (also submitted by the board of review as their comparable #2). The Board finds these comparables were similar to the subject in all characteristics and sold proximate to the January 1, 2015 assessment date. The comparables sold from September 2014 to August 2015 for prices ranging from \$340,000 to \$390,500 or from \$112.73 to \$126.33 per square foot of living area, including land. The subject's assessment reflects a market value of \$365,689 or \$114.56 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this record, the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not justified.

¹ The appellants' market analysis listed six comparable sales; however, comparable #1 was the subject property.

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



Acting 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: June 23, 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.