



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

APPELLANT: Vladimir Vallenas
DOCKET NO.: 15-01269.001-R-1
PARCEL NO.: 03-04-355-015

The parties of record before the Property Tax Appeal Board are Vladimir Vallenas, the appellant, 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: \$17,040
IMPR.: \$71,060
TOTAL: \$88,100

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 two-story single-family dwelling of frame construction¹ with 3,230 square feet of living area. The dwelling was constructed in 1997 making the home 18 years old as of the assessment date. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a 672 square foot garage. The property has a 13,504 square foot site and is located in Algonquin, Dundee Township, Kane County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal.² In support of these arguments, the appellant completed Section V of the appeal petition with

¹ The assessing officials report the subject exterior is 100% frame on the property record card despite that the appellant's color photograph of the dwelling appears to depict, at a minimum, a brick front on the home.

² In Section 2d, the appellant marked "comparable sales" and provided data on four properties with sales that occurred between December 1996 and June 2014; from this sales data, only comparable #2 reflected a recent sale transaction. For each of the properties, however, the appellant also provided assessment data.

information on four comparables located within .75 of a mile of the subject with both equity and sales data.

The two-story comparable dwellings of brick and frame exterior construction were 17 to 19 years old. The homes range in size from 3,100 to 3,386 square feet of living area and feature unfinished basements, central air conditioning, a fireplace and a garage ranging in size from 570 to 704 square feet of building area. The comparables have improvement assessments ranging from \$70,303 to \$75,060 or from \$21.88 to \$23.02 per square foot of living area.³

The appellant also reported the sales of these comparables that occurred from December 1996 to June, 2014 for prices ranging from \$227,500 to \$305,000 or from \$67.19 to \$98.39 per square foot of living area, including land.

Based on this evidence, the appellant requested an improvement assessment of \$70,500 or \$21.83 per square foot of living area with a total assessment of \$87,540 which would reflect a market value of approximately \$262,620 or \$81.31 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$98,404. The subject property has an improvement assessment of \$81,364 or \$25.19 per square foot of living area. The subject's assessment also reflects a market value of \$295,419 or \$91.46 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 appellant's evidence, the board of review through a memorandum prepared by the Dundee Township Assessor's Office noted that only one of the appellant's sales occurred recently to the assessment date. Moreover, the assessor argued that, based on its assessment, the subject has a lower per-square-foot estimated market value than this recent comparable sale. Also, the assessor placed the appellant's four comparables in a grid and reported that comparable #2 has a partially finished basement.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparables with both equity and sales data. Each comparable is located in the subject's neighborhood code assigned by the assessor and is within a mile of the subject property. The comparables consist of two-story frame dwellings that were 16 to 22 years old. The homes range in size from 3,230 to 3,276 square feet of living area and feature basements with finished areas, one of which is a lookout style and one of which is a walkout style. Each home also has central air conditioning, a fireplace and a garage ranging in size from 704 to 836 square feet of building area. According to the grid analysis, the comparables have 2016 improvement assessments ranging from \$83,632 to \$97,546 or from \$25.53 to \$30.20 per square foot of living area whereas the assessment year at issue is 2015.

Each of these comparables also sold between January 2015 and July 2015 for prices ranging from \$320,000 to \$351,000 or from \$98.04 to \$108.67 per square foot of living area, including land.

³ The appellant did not correctly calculate the improvement assessment per square foot in Section V.

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 as a basis of this appeal. 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 is not warranted.

The parties submitted data on eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given no weight to appellant's comparable sales #1, #3 and #4 which occurred in years 1996, 1999 and 2010, respectively, dates that are remote in time to the valuation date at issue of January 1, 2015 and thus unlikely to be indicative of the subject's estimated market value as of the assessment date.

The Board finds the best evidence of market value to be appellant's comparable sale #2 and the board of review comparable sales. These properties were similar in location, age, dwelling size and several other features. Each of these comparables were superior when compared to the subject by having finished basement areas. These most similar comparables sold between June 2014 and July 2015 for prices ranging from \$305,000 to \$351,000 or from \$98.04 to \$108.67 per square foot of living area, including land. The subject's assessment reflects a market value of \$295,419 or \$91.46 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is not justified on the basis of overvaluation.

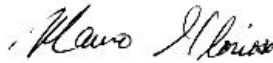
The taxpayer also contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment 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 met this burden of proof and a reduction in the subject's improvement assessment is warranted based on the limited 2015 assessment data contained in the record.

The parties submitted equity data for eight comparable properties to support their respective positions before the Property Tax Appeal Board. The Board has given no weight to the board of review equity comparables because the data reflects 2016 improvement assessments for this 2015 assessment appeal.

The Board finds the best evidence of assessment equity to be the appellant's comparables which have varying degrees of similarity to the subject property. The appellant's comparables had improvement assessments that ranged from \$70,303 to \$75,060 or from \$21.88 to \$23.02 per

square foot of living area. The subject's improvement assessment of \$81,364 or \$25.19 per square foot of living area falls above the range established by the best comparables in this record. Based on this record the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's improvement assessment is justified.

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.