



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

APPELLANT: James Martensen
DOCKET NO.: 15-01317.001-R-1
PARCEL NO.: 06-18-458-004

The parties of record before the Property Tax Appeal Board are James Martensen, 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 **No Change** 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: \$21,124
IMPR.: \$75,986
TOTAL: \$97,110

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 part one-story and part two-story dwelling of frame with brick trim exterior construction with 3,658 square feet of living area.¹ The dwelling was constructed in 2005. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and an attached garage of approximately 599 square feet of building area. The property has a 10,449 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal. For the overvaluation argument, the appellant reported a recent sale of the subject property,

¹ The appellant and the appellant's appraiser reported a dwelling size of 3,342 square feet of living area with the appraiser including a schematic to support the conclusion. The assessing officials included a copy of the subject's property record card with a schematic drawing to support the dwelling size conclusion of 3,658 square feet of living area. Despite the size discrepancy, the Board finds that this dispute does not prevent a determination of the correct assessment of the subject property on this record.

provided data on four recent comparable sales and provided an appraisal of the subject property. In support of the inequity argument, the appellant submitted equity data on the four comparable sale properties.

As to the recent sale of the subject property, the appellant submitted evidence disclosing the subject property was purchased on June 3, 2014 for a price of \$300,000. The appellant reported in Section IV – Recent Sale Data of the appeal petition that the parties to the transaction were not related, the property was sold by ReMax, agent Vince Romano, and the property was purchased from "Freddie Mack" after having been advertised with the Multiple Listing Service (MLS) for a period of one week. No supporting documentation such as the sales contract, RESPA statement, Real Estate Transfer Declaration or Settlement Statement related to the sale transaction was submitted as required in Section IV of the appeal petition.

Furthermore, the appellant submitted an appraisal developed by Dena J. Priser who prepared the report for the purchase transaction. In the appraisal it was reported the subject had been on the market for 32 days with a pending sale of \$314,000 as of April 7, 2014; the subject also had a sheriff's sale on December 2, 2013. For the appraisal, the appraiser utilized both the sales comparison and the cost approaches to value in order to arrive at an estimated market value of \$315,000 for the subject as of May 12, 2014.

In Section V of the Residential Appeal petition, the appellant provided both sales and equity data on four comparable properties located from .1 to .6 of a mile from the subject property. The comparables consist of parcels ranging in size from 10,125 to 12,066 square feet of land area which are improved with two-story frame or brick and frame dwellings that were 5 to 11 years old. The comparables range in size from 3,115 to 3,692 square feet of living area and feature basements, one of which has finished area. Each comparable has central air conditioning, a fireplace and a garage ranging in size from 526 to 576 square feet of building area. The comparables sold between June 2013 and June 2015 for prices ranging from \$290,000 to \$363,500 or from \$78.55 to \$99.37 per square foot of living area, including land. The comparables have land assessments of \$20,863 and improvement assessments ranging from \$56,120 to \$68,503 or from \$16.75 to \$18.55 per square foot of living area.

Based on this evidence, the appellant requested reductions in both the land and improvement assessments of the subject property resulting in a new total assessment of \$82,113. This new total assessment would reflect a market value of approximately \$246,364 or \$67.35 per square foot of living area, including land and an improvement assessment of \$61,250 or \$16.74 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$97,110. The subject property has an improvement assessment of \$75,986 or \$20.77 per square foot of living area. The subject's assessment also reflects a market value of \$291,534 or \$79.70 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 memorandum and additional data prepared by the Elgin Township Assessor's Office. The assessor noted that the subject's recent

sale price of \$82.01 per square foot of living area, including land, falls within the range on a square-foot basis of the appellant's suggested comparable sales in the Section V grid analysis and also falls within the range in terms of overall value.

The assessor also reported that the appellant provided the 2014 assessments of his equity comparables rather than the 2015 assessments of these properties. The assessor contends that the correct 2015 assessments of these properties reflect land assessments identical to that of the subject of \$21,124 and improvement assessments ranging from \$21.05 to \$24.07 per square foot of living area. Based on this corrected data for tax year 2015, the assessor contends that the subject's per-square-foot improvement assessment is below the range of the appellant's suggested comparables.

Besides noting that the subject recently sold in May 2014 for \$300,000 via Special Warranty Deed as a Bank REO, the assessor provided information on five comparable sales where comparables #2 and #5 were the same properties as appellant's comparable sales #4 and #2, respectively. The comparables sold between June 2012 and June 2015 for prices ranging from \$283,000 to \$363,500 or from \$76.65 to \$99.37 per square foot of living area, including land.

In further response to the appeal, the assessor provided a grid analysis of ten equity comparables. The comparables each have land assessments of \$21,124 and improvement assessments that range from \$20.71 to \$21.23 per square foot of living area.

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

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 a reduction in the subject's assessment is not warranted.

The appellant provided limited information on the recent sale of the subject property for \$300,000 along with an appraisal of the subject property estimating a market value of \$315,000. Furthermore, the appellant and the board of review provided a total of seven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #3 and board of review comparables #3 and #4 due to sale dates that occurred in 2012 and 2013, dates more remote in time to the valuation date at issue of January 1, 2015. Additionally, the Board has given reduced weight to appellant's comparables #1 and #3 due to differences in dwelling size when compared to the subject.

The Board finds the preponderance of the evidence in the record is that the subject property is not overvalued. The subject recently sold for \$300,000 and was also appraised with a value of \$315,000, but the subject's assessment reflects a market value of \$291,534, which is below both the sale price and appraiser's estimated market value of the subject property. Furthermore, the

Board finds the best comparable sales in the record are appellant's comparables #2 and #4 along with board of review comparables #1, #2 and #5. These most similar comparable properties sold between June 2014 and June 2015 for prices ranging from \$290,000 to \$363,500. The subject's estimated market value based on its assessment is within the range established by the best comparable sales in this record; furthermore, the subject's recent sale price and estimated appraised market value are also within the range of these recent sale prices.

Based on this evidence the Board finds a reduction in the subject's assessment is not justified and it appears that the subject property is actually under-assessed based on its recent purchase price.

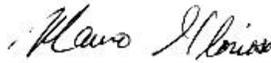
The taxpayer also contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

As presented by both parties, the record contains a total of 14 equity comparables to support the parties' respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #2 and #3 due to differences in dwelling size when compared to the subject dwelling.

The Board finds the best evidence of assessment equity to be appellant's comparables #2 and #4 along with the board of review comparables, where appellant's comparable #2 is the same property as board of review comparable #7. Utilizing the 2015 assessments, these comparables had improvement assessments that ranged from \$21.05 to \$21.23 per square foot of living area. The subject's improvement assessment of \$20.77 per square foot of living area falls below the range established by the best comparables in this record.

Therefore, based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on grounds of lack of assessment uniformity.

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



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: July 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 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.