



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

APPELLANT: Sean Leonardi  
DOCKET NO.: 15-01350.001-R-1  
PARCEL NO.: 08-17-376-010

The parties of record before the Property Tax Appeal Board are Sean Leonardi, the appellant, by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:** \$9,797  
**IMPR.:** \$54,982  
**TOTAL:** \$64,779

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 one-story dwelling of frame construction with 1,218 square feet of living area. The dwelling was constructed in 1970 and has no basement. Features of the home include central air conditioning, an in-ground pool, an 810 square foot garage and a 540 square foot barn. The property has a 22,559 square foot site and is located in St. Charles, Campton Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence in the form of a Settlement Statement disclosing the subject property was purchased from the Federal Home Loan Mortgage Corporation on January 23, 2013 for a price of \$150,000 or \$123.15 per square foot of living area, including land. The appellant completed Section IV - Recent Sale Data of the appeal indicating the subject was purchased from owner of record, through a realtor and was advertised through the Multiple Listing Service. The

sale was not between family or related corporations. The appellant submitted an MLS listing sheet for the subject indicating the subject had been on the market 110 days.

The appellant also submitted a grid analysis of three sales comparables. The comparables had features with varying degrees of similarity when compared to the subject. They were 1-story dwellings built from 1958 to 1973 and ranging in size from 1,278 to 1,664 square feet of living area. These sales occurred from January 2014 through May 2015 for prices ranging from \$121,000 to \$180,000, or from \$85.69 to \$108.17 per square foot of living area including land. 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 \$64,779. The subject's assessment reflects a market value of \$194,473 or \$159.67 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 on three comparable sales. They are described as one-story dwellings of frame or frame and masonry construction built between 1975 and 1987. They feature full basements, one of which is partially finished. Two have central air conditioning and fireplaces. All of the comparables feature garages. These comparables sold between November 2013 and April 2014 for either \$210,000 or \$249,000 or from \$141.32 to \$167.79 per square foot of living area. The board of review reports in the grid analysis that both the subject and comparable #3 were not arm's-length sales.

The board of review also submitted assessor's notes that report the assessor's office valued the subject at \$149,985 in 2014 (the sale price). The notes also include "The home has had extensive upgrading and remodeling, including a new gazebo, new fence and new siding. The assessor's office requested this increase receive a Home Improvement Exemption for four years. Accordingly, this home is assessed at the sale price of \$150,000 PLUS the new improvements."

In rebuttal, the appellant's counsel states "the BOR sales alone, even without considering the appellant comparable sales, support a reduction (in the subject's assessment) based on selling price/SF. See attached grid (for) further clarity." The grid attached to the rebuttal is a grid analysis of the taxpayer comparables.

### **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 evidence demonstrating the sale had the elements of an arm's length transaction by completing Section IV - Recent Sale Data of the appeal and submitting a Settlement Statement and an MLS listing sheet disclosing the parties to the transaction were not related, the property was sold out of foreclosure using a realtor, the property had been advertised through the Multiple Listing Service and it had been on the market for 110 days. The assessor's office accepted this valuation as of January 2013, even though they reported in their grid analysis that it was not an arm's-length sale, and valued the property at \$149,985 in 2014. The Board finds the best evidence of the subject's market value at the time of purchase on January 23, 2013, to be the purchase price of \$150,000.

However, the assessor's notes indicate the property underwent "extensive upgrading and remodeling, including a new gazebo, new fence and new siding" after the sale. Accordingly, based on these improvements, the assessment of the subject was increased after the sale. The assessor's office requested a Home Improvement Exemption for four years based on the increase in assessed value caused by these improvements. The appellant did not mention these improvements in their argument. The Board finds the valuation of the subject as of its assessment date of January 1, 2015, must include these post-sale improvements.

Both parties submitted six sales comparables in support of their position. The Board finds these sales, including the sale of the subject, were arm's-length transactions if the only basis for excluding them is being sold out of foreclosure. These sales ranged from \$85.69 to \$167.79 per square foot of living area including land. The subject's assessment reflects a fair market value of \$159.67 per square foot of living area including land which is within and on the higher end of the range established by these comparables. The Board finds the higher valuation is justified given the "extensive upgrading and remodeling" of the subject. Based on this record the Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued and a reduction in the subject's assessment is not 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.