



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

APPELLANT: Joshua J. Olson
DOCKET NO.: 15-01361.001-R-1
PARCEL NO.: 06-12-176-016

The parties of record before the Property Tax Appeal Board are Joshua J. Olson, the appellant, by 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: \$9,644
IMPR.: \$31,197
TOTAL: \$40,841

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 1-story and part 2-story dwelling of frame construction with 1,233 square feet of living area. The dwelling was constructed in 1890. Features of the home include a partial unfinished basement, central air conditioning and a 960 square foot detached garage. The property has an 8,712 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted limited information on six comparable sales. These comparables are part one-story and part two-story dwellings built between 1885 and 1900. They range in size from 1,169 to 1,446 square feet of living area. All six comparables feature basements, four have central air conditioning, one has a fireplace, and four have garages that range in size from 160 to 576 square feet of building area. No information was disclosed regarding the type of construction

or amount of basement finished area of the comparables. They are located a distance of .07 to 1.09 miles from the subject. These comparables sold between April 2014 and July 2015 for prices ranging from \$43,100 to \$139,900 or from \$35.27 to \$104.40 per square foot of living area land included. The appellant requested the total assessment be reduced to \$26,358 or a market value of approximately \$79,074.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$40,841. The subject's assessment reflects a market value of \$122,609 or \$99.44 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 five comparable sales. They are described as 2-story or part 1-story and part 2-story dwellings of frame construction built between 1900 and 1928. They range in size from 1,138 to 1,440 square feet of living area. They feature basements, three with finished area, and garages that range in size from 360 to 480 square feet of building area. Two have central air conditioning and one features a fireplace. They are located a distance of .13 to .52 of a mile from the subject. These comparables sold between September 2013 and August 2014 for prices ranging from \$116,000 to \$148,000 or from \$90.06 to \$121.27 per square foot of living area land included. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant claims most of the board of review's comparables should be given less weight due to their dissimilarities as compared to the subject. The appellant also argues that compulsory sales are valid comparable sales. The appellant further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal

Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The Board takes note of the assessor's claim that the appellant's comparables are all bank REO's or foreclosures, and that the appellant did not refute the arm's-length nature of the board of review's comparable sales. The Board finds comparables submitted by the appellant were compulsory sales and establish the low end of the range of value. These sales are given less weight than those sales provided by the board of review, which appear to be more typical arm's-length transactions reflective of cash value. The Board also gave less weight to the appellant's comparables #1, #2, #3, #5 and #6 and to the board of review comparables #1, #3, #4 and #5 based on date of sale, proximity to the subject, and/or dwelling size as compared to the subject. The Board finds the best evidence of market value is board of review comparable #2. This comparable was very similar to the subject in location, size, style and age. This comparable sold for \$98.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$99.44 per square foot of living area, including land, which is slightly above this best comparable sale in this record. The Board finds this slightly greater market value is justified given the central air conditioning and the larger garage of the subject. Based on this evidence the Board finds 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.