



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

APPELLANT: Austin Holdings, Timothy Ramseyer & Patrick Koziol
DOCKET NO.: 15-01371.001-R-1
PARCEL NO.: 06-24-404-011

The parties of record before the Property Tax Appeal Board are Austin Holdings, Timothy Ramseyer & Patrick Koziol, the appellants, 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: \$3,856
IMPR.: \$19,082
TOTAL: \$22,938

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 1,181 square feet of living area. The dwelling was constructed in 1930. Features of the home include a full unfinished basement and a 240 square foot garage. The property has a 2,772 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted limited information on five comparable sales. These comparables are one-story and/or two-story dwellings built between 1900 and 1923. They range in size from 1,199 to 1,291 square feet of living area. All five comparables feature basements and three have garages that contain either 216 or 280 square feet of building area. No information was disclosed regarding the type of construction, amount of basement finished area, or the site size of the comparables. They are located a distance of .08 to 1.43 miles from the subject. These

comparables sold between April 2014 and June 2015 for prices ranging from \$21,000 to \$122,000 or from \$17.51 to \$94.50 per square foot of living area land included. The appellants requested the total assessment be reduced to \$9,472 or a market value of approximately \$28,436 or \$24.08 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 \$22,938. The subject's assessment reflects a market value of \$68,862 or \$58.31 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 seven comparable sales. They are described as part 1-story and part 2-story dwellings of frame construction built between 1898 and 1928. They range in size from 1,138 to 1,408 square feet of living area. They feature basements, three with finished area. Four feature central air conditioning and four have garages that range in size from 360 to 576 square feet of building area. No information was reported regarding fireplaces. They are located a distance of .30 to 2.59 miles from the subject. These comparables sold between May 2013 and November 2014 for prices ranging from \$75,000 to \$138,000 or from \$60.63 to \$121.27 per square foot of living area land included. The board of review also included a memorandum from the Elgin Township assessor reporting the appellants' five comparables were foreclosure sales, four of which were on the market less than 30 days. The assessor also reported board of review sales #4, #5 and #6 were distressed sales. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants claim most of the board of review's comparables #1 through #6 should be given less weight due to their dissimilarities as compared to the subject. The appellants also argues that compulsory sales are valid comparable sales. The appellants 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 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.

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 appellants' five comparables are all foreclosures, which was not disputed by the appellants. The Board finds the board of review comparables #4, #5 and #6 are distressed sales. These eight sales establish the low end of the range of value as compared to the board of review comparables #1, #2, #3 and #7 which appear to be more typical arm's-length transactions and more reflective of cash value. The Board gave less weight to the appellants' comparables based on lack of information regarding the construction type, site size and basement finished area and to the board of review comparables #1, #2, #3, #5 and #6 based on date of sale and/or proximity to the subject. The Board finds the best evidence of market value is board of review comparable #7. This comparable was very similar to the subject in location, size, construction, style, age, and most features. This comparable sold for \$83.10 per square foot of living area, including land. The subject's assessment reflects a market value of \$58.31 per square foot of living area, including land, which is below this best comparable sale in this record. 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.