



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

APPELLANT: Austin Holdings, Timothy Ramseyer & Patrick Koziol  
DOCKET NO.: 15-01372.001-R-1  
PARCEL NO.: 06-24-477-010

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:** \$5,737  
**IMPR.:** \$26,632  
**TOTAL:** \$32,369

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 2-story dwelling of frame construction with 1,990 square feet of living area. The dwelling was constructed in 1899. Features of the home include a full unfinished basement and a 252 square foot garage. The property has a 6,402 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 information on the recent sale of the subject and comparable sales. Regarding the recent sale, the appellants completed Section IV - Recent Sale Data of the appeal and submitted a Settlement Statement and a PTAX-203 Illinois Real Estate Transfer Declaration disclosing the subject property was purchased in a short sale on December 7, 2012 for a price of \$37,000 or \$18.59 per square foot of living area, including land. The subject was purchased through a realtor, from an individual, and was advertised through the Multiple Listing Service.

The sale was not between family or related corporations. The appellants did not disclose the length of time the subject had been on the market.

Regarding the comparable sales argument, the appellants submitted limited information on six comparable sales. These comparables are two-story dwellings built between 1895 and 1910. They range in size from 1,528 to 2,062 square feet of living area. All six comparables feature basements and five have garages that range in size from 280 to 672 square feet of building area. One comparable features central air conditioning and two have fireplaces. 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 .05 to .97 of a mile from the subject. These comparables sold between March 2014 and March 2015 for prices ranging from \$38,000 to \$79,900 or from \$24.87 to \$39.36 per square foot of living area land included. The appellants requested the total assessment be reduced to \$12,332 or a market value of approximately \$37,022 or \$18.60 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 \$32,369. The subject's assessment reflects a market value of \$97,175 or \$48.83 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 eight comparable sales. They are described as part 1, 1½ and/or 2-story dwellings of frame construction built between 1900 and 1920. They range in size from 1,660 to 2,228 square feet of living area. They feature basements, two with finished area. Three have central air conditioning and two have fireplaces. Seven feature garages that range in size from 216 to 500 square feet of building area. They are located a distance of .22 to 1.81 miles from the subject. These comparables sold between September 2012 and April 2015 for prices ranging from \$118,900 to \$182,000 or from \$60.09 to \$92.39 per square foot of living area land included. The board of review also included a memorandum from the Elgin Township assessor reporting the appellants' comparables were foreclosure sales with five of the comparables in "terrible condition, no kitchen and down to the studs in some areas of the home." Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants' counsel claims many of the board of review's comparable sales were too remote in time to establish market value as of January 1, 2015. The appellants' counsel also argues that compulsory sales are valid comparable sales, and 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 (2<sup>nd</sup> Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2<sup>nd</sup> Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4<sup>th</sup> Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5<sup>th</sup> 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.

With regard to the recent sale, the Board gave little weight to the sale based on the date of the sale, occurring approximately 25 months prior to the subject's assessment date of January 1, 2015, and being too remote in time to establish market value as of January 1, 2015.

Regarding the comparable sales, the Board takes note of the assessor's claim that the appellants' six comparables are all foreclosures, which was not disputed by the appellants. The Board finds the board of review comparable #7 was a short sale and #8 sold with a special warranty deed. These eight sales establish the low end of the range of value as compared to the board of review comparables #1 through #6 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, #3, #4, #5, #6, #7 and #8 based on dwelling size, date of sale and/or proximity 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, dwelling size, construction, age, site size and most features. This comparable sold in April 2015 for \$68.93 per square foot of living area, including land. The subject's assessment reflects a market value of \$48.83 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.