



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

APPELLANT: James & Kristy Descourouez
DOCKET NO.: 15-01396.001-R-1
PARCEL NO.: 08-27-100-062

The parties of record before the Property Tax Appeal Board are James & Kristy Descourouez, 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 A Reduction 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: \$25,931
IMPR.: \$129,054
TOTAL: \$154,985

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 1-story dwelling of brick construction with 2,834 square feet of living area. The dwelling was built in 1989 and features a full walk-out basement, central air conditioning, a fireplace, a 756 square foot in-ground pool and a 744 square foot garage. The property has a 108,379 square foot site and is located in Elburn, Campton Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on June 5, 2014 for a price of \$465,000 or \$164.08 per square foot of living area including land. The appellants submitted a Settlement Statement, an MLS Listing Sheet, a PTAX-203 Illinois Real Estate Transfer Declaration, and completed Section IV - Recent Sale Data on the appeal indicating the subject was purchased through a realtor, the sale was not between family or related corporations, the

subject was advertised in the Multiple Listing Service (MLS) and had been on the market 315 days. Based on this evidence, the appellants 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 \$163,317. The subject's assessment reflects a market value of \$490,294 or \$173.00 per square foot of living area including land 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. The board of review's Notes on Appeal directed the reader to "See attached evidence". The attached evidence included the Assessor's Notes where the assessor states, "Taxpayer is requesting a reduction to the June 2014 sale price of \$465,000 (\$164.08 per sq. ft.)." The assessor further recommends a valuation of \$465,000. The assessor concludes with, "Although our comparables would recommend a higher value, taking the extremely dated interior into consideration, the assessor's office would recommend reducing (the subject) to the sale price."

The board of review also submitted information on three sales comparables. The comparables had features with varying degrees of similarity when compared to the subject and sold for prices ranging from \$345,000 to \$574,000.

In rebuttal, the appellants' counsel claims the board of review does not dispute the recent sale of the subject, nor does it provide any evidence that the recent sale was not valid.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellants provided evidence demonstrating the sale had elements of an arm's length transaction. The Board further finds the best evidence of market value to be the purchase of the subject property in June 2014 for a price of \$465,000. This value is supported by the township assessor and the board of review in their "Notes on Appeal." Therefore, a reduction in the subject's assessment commensurate with the appellants' request is appropriate.

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.