



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

APPELLANT: Austin Holdings, Timothy Ramseyer & Patrick Koziol
DOCKET NO.: 15-01411.001-R-1
PARCEL NO.: 06-13-331-003

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: \$6,374
IMPR.: \$26,454
TOTAL: \$32,828

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 containing 1,698 square feet of living area. The dwelling and was constructed in 1848 and features a partial unfinished basement. The property has a 7,920 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument 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 on October 21, 2013 for a price of \$50,000 or \$29.45 per square foot of living area, including land. The subject was purchased from an individual in a short sale, the sale was handled by a realtor and the sale was not between family or related corporations. The appellants disclosed that the property was advertised through the Multiple Listing Service (MLS) but did

not disclose the length of time the subject was on the market. The appellants also submitted information on eight comparable sales. The comparables had varying degrees of similarity when compared to the subject. They are described as part 1-story and part 2-story dwellings built between 1863 and 1900 and ranging in size from 1,392 to 1,844 square feet of living area. They featured full or partial basements. Four had garages, one had central air conditioning, and one had a fireplace. No information was provided regarding type of construction or basement finish. These comparables sold from April 2014 through June 2015 for prices ranging from \$33,000 to \$58,000 or from \$21.75 to \$36.76 per square foot of living area land included. Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$12,112.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$32,828. The subject's assessment reflects a market value of \$98,553 or \$58.04 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 twelve comparable sales. The comparables had varying degrees of similarity when compared to the subject. They are described as part 1-story and part 2-story dwellings of frame construction built between 1882 and 1928 and ranging in size from 1,408 to 1,708 square feet of living area. Eleven comparables had garages, eight featured central air conditioning, and three had a finished basement. No information was provided on fireplaces. These comparables sold between January 2013 and November 2014 for prices ranging from \$93,000 to \$184,900 or from \$61.06 to \$112.33 per square foot of living area land included.

In rebuttal, the appellants' counsel compares and contrasts the differences between the subject and the comparables of both parties.

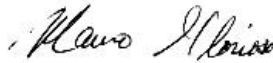
Conclusion of Law

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.

The appellants provided evidence that the subject property sold in October 2013 for a price of \$50,000 or \$29.45 per square foot of living area, including land. The Board finds the appellants provided evidence demonstrating the sale had elements of an arm's length transaction. 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 property was purchased from an individual in a short sale, the parties to the transaction were not related, the property was sold using a realtor and had been advertised through MLS. The board of review reported the subject was on the market 88 days. However, the sale is somewhat dated and calls into question whether the subject's purchase price is indicative of fair cash value. The Board gave more weight to the comparable sales #7, #9 and #12 submitted by the board of review based

on similarities in style, exterior construction, size and age as compared to the subject. These comparables sold from February through November 2014 for prices ranging from \$101,500 to \$150,000 or from \$70.39 through \$88.13 per square foot of living area. The subject's assessment reflects a market value of \$98,553 or \$58.04 per square foot of living area, land included, which is below these most similar comparables in the record. Therefore, a reduction in the subject's assessment to reflect the purchase price is warranted.

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.