



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

APPELLANT: Francine, LLC  
DOCKET NO.: 15-01431.001-R-1  
PARCEL NO.: 06-13-101-013

The parties of record before the Property Tax Appeal Board are Francine, LLC, 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 **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:** \$4,397  
**IMPR.:** \$13,638  
**TOTAL:** \$18,035

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 one-story and part two-story dwelling of frame construction with 1,096 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full unfinished basement and a 216 square foot detached garage. The property has a 3,472 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted a market analysis with information on six comparable sales. The report was dated February 29, 2016 but was not signed. The comparables consisted of part one-story and part two-story dwellings that were located from 0.59 to 1.13 of a mile from the subject. The dwellings contain from 992 to 1,370 square feet of living area and were constructed in 1889 or 1900. Each comparable had a full or partial basement; one comparable had central air conditioning; one comparable had a fireplace; and five comparables had garages. The comparables sold from February to October 2014 for prices ranging from \$30,500 to \$63,000 or

from \$24.48 to \$49.40 per square foot of living area, including land. The appellant's analysis also included "Property Equalization Values" that made adjustments to the sale prices for differences in sale date, land market value, age, square footage, basement area, bathroom count, fireplace count, central air conditioning and size of garage. The appellant did not provide any evidence or an explanation as to how these calculations were arrived at. Based on the Property Equalization Values, the analysis conveyed a value estimate for the subject property of \$34,980. Based upon this evidence, the appellant requested a reduction in the subject's assessment to \$11,659.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$25,566 was disclosed. The subject's assessment reflects a market value of \$76,752 or \$70.03 per square foot of living area, including land, when applying the 2015 three-year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In response to this appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor stated that the appellant did not provide any "non-distressed" sales as comparables. In support of its contention of the correct assessment, the board of review through the township assessor submitted information on five comparable sales improved with part one-story and part two-story or two-story dwellings of frame construction. The dwellings range in size from 960 to 1,304 square feet of living area and were constructed from 1900 to 1947. The comparables are located from 0.22 to 0.80 of a mile from the subject. The comparables have sites ranging in size from 3,036 to 10,956 square feet of land area. The comparables sold from February 2013 to August 2014 for prices ranging from \$80,000 to \$133,000 or from \$64.83 to \$104.56 per square foot of living area, including land. Board of review comparable #1 was described as a short sale. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal brief.

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

The Board finds the appellant submitted a market analysis report with adjustments to the comparables' sale prices for differences from the subject property. The Board finds this report was not signed and the appellant made no attempt to provide an explanation for these calculations. Consequently, the Board gave no weight to the appellant's market analysis.

The parties presented sale prices for 11 comparable properties. The Board gave less weight to eight of the comparables submitted by the parties. Board of review comparables #2 through #5 sold from February to October 2013. The Board finds these sale dates were dated compared to

the January 1, 2015 assessment date. In addition, board of review comparables #1, #2, #4 and #5 were over 20 years newer than the subject. The Board also gave less weight to the appellant's comparables #1, #4 and #5 because they were located over one mile from the subject property.

The Board finds the best evidence of market value in the record to be the appellant's comparables #2, #3 and #6. These properties were located from 0.59 to 0.84 of a mile of the subject, and they were also very similar to the subject in age and living area. These three comparables sold in April and October 2014 for prices ranging from \$43,100 to \$63,000 or from \$36.87 to \$49.40 per square foot of living area, including land. The subject's assessment reflects a market value of \$76,752 or \$70.03 per square foot of living area, including land, which is above the market value of the best comparable sales in this record. Based on this record, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is 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



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: July 21, 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.