



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

APPELLANT: Kathy Jones
DOCKET NO.: 15-01434.001-R-1
PARCEL NO.: 05-25-431-014

The parties of record before the Property Tax Appeal Board are Kathy Jones, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$26,667
IMPR.: \$94,972
TOTAL: \$121,639

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 two-story dwelling of frame and masonry construction with 2,514 square feet of living area.¹ The dwelling is a townhouse that was constructed in 2011. Features of the home include a full unfinished basement, central air conditioning and a 420 square foot garage. The property is located in Elgin, Plato Township, Kane County.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. When the appellant's attorney completed Section 2d of the residential appeal form, counsel indicated that the appeal was based on comparable sales, a recent appraisal, and assessment equity. In support of the inequity argument, the appellant submitted information on three equity comparables located in the same neighborhood as the subject property. The comparables are

¹ The board of review described the subject as a one-story dwelling; however, photographic evidence submitted by both parties revealed the dwelling is actually two-story in design.

improved with two-story dwellings of frame and masonry construction. The dwellings are townhouses that were constructed in 2007 or 2014. The dwellings contain either 1,955 or 2,500 square feet of living area. Two comparables have full unfinished basements, and one has a concrete slab foundation. Each comparable has central air conditioning and a two-car garage, and one comparable has a fireplace. The comparables have improvement assessments ranging from \$62,702 to \$82,167 or from \$29.89 to \$32.87 per square foot of living area. Based on the equity evidence, the appellant's counsel in a brief requested a reduction in the subject's total assessment to \$94,467.

In support of the overvaluation argument, the appellant submitted three other properties as comparable sales. The comparables are two-story dwellings of frame and masonry construction. The dwellings are townhouses that were constructed in 2006 or 2014. The dwellings contain from 2,326 to 2,521 square feet of living area. Two comparables have full unfinished basements and one has a concrete slab foundation. Each comparable has central air conditioning and a two-car garage, and two comparables each having a fireplace. The comparables sold from June 2014 to January 2015 for prices that ranged from \$226,500 to \$267,336 or from \$97.38 to \$106.04 per square foot of living area, land included. Based on this market evidence, the appellant's counsel in a brief requested a reduction in the subject's total assessment to \$85,417 and stated this figure in Section 2c of the residential appeal form.

The appellant also submitted an appraisal report estimating the subject property had a market value of \$260,000 as of July 28, 2015. The appraisal was prepared by Mishal Ray, a certified appraiser, and was commissioned by PNC Bank for financing purposes. The appraiser used the sales comparison approach in order to estimate the market value of the subject property. The appraiser considered three comparable properties located in the subject's subdivision that sold from September 2014 to June 2015 for prices that ranged from \$229,900 to \$265,000 or from \$98.84 to \$105.83 per square foot of living area, land included. The appraiser provided a map showing the approximate location of the comparables and the subject property; however, the appraiser provided limited information regarding the comparable properties. The comparables contain from 2,286 to 2,504 square feet of living area. Comparables #1 and #2 are seven and eight years old, respectively, and comparable #3 is new construction. Two of the comparables have basements. The appraiser stated he made adjustments for differences in living area and smaller lot sizes; however, the appraiser did not set forth lot sizes or how adjustments were determined. Comparable #3 received adjustments for its lack of a basement and its newer condition, age and sale date. The appraiser did not provide the adjusted sale prices of the comparable properties. The appraiser concluded that the subject property had a market value of \$260,000 as of July 28, 2015. Based upon the appraisal, the appellant's counsel in a brief requested the subject's total assessment be reduced to \$86,658.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$121,639. The subject has an improvement assessment of \$94,972 or \$37.78 per square foot of living area. The subject's assessment reflects a market value of \$365,173 or \$145.26 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 through the Plato Township Assessor submitted equity and sales information on four comparable properties located in the same subdivision as the subject. The comparables appear to be two-story dwellings of frame and masonry construction. The dwellings were constructed from 2012 to 2014. The dwellings contain 2,449 or 2,500 square feet of living area. The comparables have full unfinished basements, central air conditioning and two-car garages. One comparable has a fireplace. The comparables have improvement assessments ranging from \$92,799 to \$95,301 or from \$37.12 to \$38.78 per square foot of living area. The board of review also submitted sale prices for these comparable properties. The comparables sold from December 2012 to June 2014 for prices that ranged from \$350,215 to \$369,831 or from \$142.19 to \$151.01 per square foot of living area, land included. As part of the submission, the Plato Township Assessor stated that: "The homes [in the Regency section of the Bowes Creek subdivision] backing up to ponds or wooded sections will have a higher land value." The board of review presented a map showing the approximate location of the subject property and the comparable sales submitted by both parties. The board of review's map revealed the board of review comparables were located on the same block as the subject. In addition, the map revealed that all of these properties backed up to a pond. On the basis of this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a rebuttal brief, wherein counsel stated the board of review had submitted unconfirmed sales data for four comparable properties.

Conclusion of Law

The appellant contends in part that 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 did not meet this burden of proof and a reduction in the subject's assessment based on overvaluation is not warranted.

The parties presented sale prices for seven comparable properties. The Board finds the best evidence of market value in the record to be board of review comparable #4. The Board finds this property was located in the same block as the subject and enjoyed the same water view as the subject. Comparable #4 sold in June 2014 for a price of \$365,373 or for \$146.15 per square foot of living area, land included. The subject's assessment reflects a market value of \$145.26 per square foot of living area, including land, which is less than the market value of the best comparable sale in the record.

The Board gave less weight to board of review's comparables #5 through #7. These properties sold from December 2012 to October 2013 and were considered to be dated sales. The Board also gave less weight to the appellant's three comparable sales. The board of review's map revealed that the appellant's comparable sales were not located on the same block as the subject and did not enjoy the same water view as the subject. In addition, comparable #1 was five years older than the subject, and comparable #2 had a concrete slab foundation that was dissimilar from the subject's full basement.

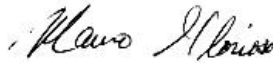
The Board finds the appellant also submitted a valuation appraisal of the subject property estimating the subject had a market value of \$260,000 as of July 28, 2015. The appraisal was commissioned by PNC Bank for financing purposes. The Board gave little weight to the appraisal due to the fact that the effective date was nearly eight months after the January 1, 2015 assessment date. In addition, the appraiser submitted two maps with the appraisal. On both maps, the appraiser placed the location of the subject property on Valhalla Drive in the Bowes Creek subdivision, even though the subject's street address was listed as 1019 Broadmoor Drive. The appraiser considered three comparable sales. Two of the sales were older than the subject and had less living area, and another sale did not have a basement like the subject. The appraiser stated he made adjustments to the sale prices for these differences; however, these adjustments were not explained in detail. The Board finds the lack of detailed information in the appraisal undermined the appraiser's conclusion of value.

After considering the comparable sales and the appraisal report, the Board finds a reduction in the subject's assessment based on overvaluation is not justified.

Alternatively, the appellant contents assessment inequity as a basis of this appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment based on inequity is not warranted.

The parties submitted information on a total of seven suggested equity comparables. The Board finds the appellant's comparable #2 was dissimilar from the subject in not having a basement. As a result, this comparable received less weight in the Board's analysis. The Board finds that the appellant's equity comparables #1 and #3 and the board of review comparables were more similar to the subject in foundation and were also very similar in location, design, exterior construction and living area. The Board finds these comparables had improvement assessments that ranged from \$29.89 to \$38.78 per square foot of living area. The subject's improvement assessment of \$37.78 per square foot of living area falls within the range established by the best equity comparables in this record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment based on inequity 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.