



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

APPELLANT: Austin Holdings c/o Timothy Ramseyer & Patrick Koziol
DOCKET NO.: 15-01666.001-R-1
PARCEL NO.: 06-13-254-008

The parties of record before the Property Tax Appeal Board are Austin Holdings c/o 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: \$6,918
IMPR.: \$23,441
TOTAL: \$30,359

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 is improved with a part 1-story, part 1.5-story and part 2-story multi-family dwelling of frame construction. The dwelling contains 1,578 square feet of living area and was constructed in 1905. Features of the dwelling includes two apartment units and a full basement with 250 square feet of finished area. The property has a 6,831 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 submitted evidence disclosing the subject property was purchased on September 13, 2013 for a price of \$56,500. The appellants also submitted a limited market analysis with information on three comparable sales. The report was dated February 28, 2016 and was prepared by ProTaxAppeal. The report was not signed nor were the credentials of the person(s) who prepared the report disclosed. The comparables were described as part one-story and part two-

story, multi-family dwellings that were located from 0.41 to 0.93 of a mile from the subject. Each comparable was constructed in 1900, and they range in size from 1,539 to 1,561 square feet of living area. Each comparable had two or three apartment units and a full basement. The appellants did not provide any information on the comparables' land area and exterior construction. The comparables sold from September 2014 to February 2015 for prices that ranged from \$54,000 to \$61,000 or from \$34.64 to \$39.64 per square foot of living area, land included, or from \$20,333 to \$30,000 per apartment unit. The appellants' analysis also included "Property Equalization Values" that made adjustments to the sale prices for differences in sale date, land market value, square footage and basement area. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted. Based on the Property Equalization Values, the analysis conveyed a value estimate for the subject property of \$56,499. Based on the subject's 2013 sale and the market analysis, the appellants requested a reduction in the subject's assessment to \$18,831.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,359. The subject's assessment reflects a market value of \$91,141 or \$57.76 per square foot of living area, land included, or \$45,571 per apartment unit, 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 response to the appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor noted the appellants' comparables were "distressed sale comparables that sold for cash in as-is condition". The township assessor submitted information on 17 comparable sales improved with multi-family dwellings with five different designs: one-story, one and one-half story, part one-story and part one and one-half story, two-story, or part one-story and part two-story. The dwellings had frame, brick, brick and frame, or concrete block exterior construction. The dwellings ranged in size from 1,119 to 2,714 square feet of living area and were constructed from 1870 to 1987. Each comparable had two apartment units and a basement. The board of review did not provide information on the comparables' proximity to the subject property. The comparables had sites ranging in size from 4,356 to 15,682 square feet of land area. The comparables sold from May 2013 to March 2015 for prices ranging from \$106,000 to \$175,000 or from \$48.37 to \$120.64 per square foot of living area, including land, or from \$53,000 to \$87,500 per apartment unit.

The township assessor also developed an estimate of value using rental income from 23 properties to develop a gross rent multiplier of 6 which was applied to an annual estimated income for the subject property of \$16,800 to arrive at an estimated market value of \$100,800 or \$50,400 per apartment unit. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellants' 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellants submitted a limited 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 appellants made no attempt to provide an explanation for these calculations. Consequently, the Board gave no weight to the appellants' market analysis.

The Board also gave little weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is other credible market value data available.

The Board considered the subject's recent sale and the 20 comparable sales presented by the parties. The Board finds that the subject and all of the comparable sales were multi-family dwellings with two or three apartment units. However, the Board gave less weight to the subject's September 2013 sale because it occurred over 15 months prior to the January 1, 2015 assessment date. The Board also gave less weight to 14 of the board of review's comparable sales. Five of the board of review comparables (#2, #5, #10, #15 and #16) sold in 2013 and were considered to be dated in relation to the January 1, 2015 assessment date. In addition, 12 of the board of review's comparables (#1 and #7 through #17) differed significantly from the subject in living area, and five of the board of review's comparables (#2, #8, #11, #15 and #16) differed in age. Consequently, the Board finds that 14 of the board of review comparable sales (#1, #2, #5 and #7 through #17) were not shown to be sufficiently similar to the subject property.

The Board finds the best evidence of market value in the record to be the appellants' comparables and board of review comparables #3, #4 and #6. The Board finds these six properties sold proximate to the January 1, 2015 assessment date and, despite differences in design, were also very similar to the subject in age and living area. These comparables sold from July 2014 to March 2015 for prices that ranged from \$54,000 to \$135,000 or from \$20,333 to \$67,500 per apartment unit. The subject's assessment reflects a market value of \$91,141 or \$45,571 per apartment unit, which is within the range established by the best comparable sales 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



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.