



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

APPELLANT: Austin Holdings c/o Timothy Ramseyer & Patrick Koziol
DOCKET NO.: 15-01668.001-R-1
PARCEL NO.: 06-13-251-019

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 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: \$5,550
IMPR.: \$10,448
TOTAL: \$15,998

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 one-story dwelling of frame construction with 798 square feet of living area. The dwelling was constructed in 1880. Features of the home include a full unfinished basement and a 216 square foot garage. The property has a 3,404 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 information on six comparable sales located from 0.03 to 0.67 of a mile from the subject property. The comparables were described as one-story dwellings ranging in size from 662 to 976 square feet of living area. The dwellings were constructed from 1875 to 1900. Two comparables have the same neighborhood code as the subject property. The comparables had varying degrees of similarity compared to the subject in terms of features. The comparables sold

from March 2014 to April 2015 for prices ranging from \$10,000 to \$60,000 or from \$13.57 to \$61.48 per square foot of living area, including land.

The appellants' analysis also included "Property Equalization Values" that made adjustments to the sale prices for differences in sale date, land assessment, age, square footage, basement area, bathroom count, fireplace count, central air conditioning, and size of garage. The appellants 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 \$37,159. Based on the subject's recent sale and the market analysis, the appellants requested a reduction in the subject's assessment to \$12,385.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$18,332 was disclosed. The subject's assessment reflects a market value of \$55,035 or \$68.97 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.

The board of review through the Elgin Township Assessor presented information on nine comparable sales that were located from 1.00 to 1.63 miles from the subject property. The comparables were improved with one-story dwellings of frame construction. The dwellings ranged in size from 624 to 928 square feet of living area and were constructed from 1898 to 1955. The comparables had varying degrees of similarity to the subject in features. The comparables have sites ranging in size from 5,300 to 8,712 square feet of land area. The comparables sold from January 2013 to January 2014 for prices ranging from \$63,000 to \$105,100 or from \$79.42 to \$168.43 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellants' attorney submitted a rebuttal brief, wherein counsel stated that compulsory sales should be considered as "valid comparable sales" and that finding a median sale price was more accurate than using a range of comparable sales.

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 parties presented sale prices for ten comparable properties. The Board gave less weight to the comparables submitted by the board of review. These properties were located too remote from the subject, and eight of the board of review comparables sold in 2013. The Board finds these sales were dated and not proximate to the January 1, 2015 assessment date. Although the board of review stated the appellant's comparables were compulsory sales, the board of review's own evidence revealed that three of the board of review's comparables also sold as compulsory

sales. The Board also gave less weight to the appellant's comparables #3 and #6, because they were located over one-half of a mile from the subject property.

The Board finds the best evidence of market value in the record to be the appellant's comparables #1, #2, #4 and #5. The Board finds that these properties sold proximate to the assessment date and they were located within a quarter of a mile of the subject. Moreover, the appellant's comparables #1 and #4 were the only properties in the record located on the same block as the subject, and they also had the same living area as the subject. The appellant's comparables #1, #2, #4 and #5 sold from March to September 2014 for prices ranging from \$24,999 to \$48,200 or from \$37.76 to \$60.15 per square foot of living area, including land. The subject's assessment reflects a market value of \$55,035 or \$68.97 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 appellants 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



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.