



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

APPELLANT: Austin Holdings c/o Timothy Ramseyer & Patrick Koziol  
DOCKET NO.: 15-01672.001-R-1  
PARCEL NO.: 06-12-358-002

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:** \$8,533  
**IMPR.:** \$20,086  
**TOTAL:** \$28,619

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 one-story and part two-story dwelling of frame construction with 1,506 square feet of living area. The dwelling was constructed in 1888. Features of the home include a full unfinished basement and a 55 square foot porch. The property has an 8,712 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted evidence disclosing the subject property was purchased in July 2013 for a price of \$43,000. The appellants completed Section IV – Recent Sale Data of the appeal form disclosing the seller was OOR (owner of record); the parties to the transaction were not related; the property was sold using a realtor; and the property had been advertised for sale on the open market with the Multiple Listing Service (MLS). To document the transaction, the appellants

submitted a copy of the settlement statement and the Illinois Real Estate Transfer Declaration (PTAX-203). The settlement statement revealed the sellers were individuals and a commission was paid to a realty firm. The transfer declaration disclosed the subject had been advertised for sale.

The appellants also submitted a market analysis with information on eight comparable sales. The report was dated February 28, 2016 but was not signed. The comparables were described as part one-story and part two-story dwellings that were located from 0.34 to 0.96 of a mile from the subject. The comparables range in size from 1,299 to 1,783 square feet of living area and were constructed from 1885 to 1900. Each comparable had a full or partial basement; one comparable had a fireplace; two comparables had central air conditioning; and four comparables had garages. The appellants did not provide any information on the comparables' land area and exterior construction. The comparables sold from March 2014 to June 2015 for prices that ranged from \$44,000 to \$72,000 or from \$29.77 to \$48.50 per square foot of living area, land included. The appellants' 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 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 \$43,000. Based on the subject's recent sale and the market analysis, the appellants requested a reduction in the subject's assessment to \$14,332.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$30,677. The subject's assessment reflects a market value of \$92,095 or \$61.15 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 response to the appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor stated the appellants had not provided "any non-distressed sales" as comparable properties. In support of its contention of the correct assessment, the board of review through the township assessor submitted information on five comparable sales. The properties were improved with two-story or part one-story and part two-story dwellings of frame construction. The dwellings range in size from 1,304 to 1,560 square feet of living area and were constructed from 1890 to 1923. The comparables were located from 0.15 to 0.70 of a mile from the subject property. Each comparable had central air conditioning and a full basement, with one having finished area, and three comparables had garages. The comparables have sites ranging in size from 3,036 to 11,356 square feet of land area. The comparables sold from January 2013 to July 2014 for prices ranging from \$87,000 to \$123,000 or from \$57.05 to \$87.48 per square foot of living area, including land. The board of review's evidence disclosed that comparable #3 was an estate sale and comparable #4 was a short sale. 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 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 Board finds the appellants 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 appellants made no attempt to provide an explanation for these calculations. Consequently, the Board gave no weight to the appellants' market analysis.

In this appeal, the Board considered the subject's recent sale and the 13 comparable sales presented by the parties. The Board gave little weight to the subject's July 2013 sale because it occurred over 17 months prior to the January 1, 2015 assessment date. The Board also gave little weight to nine of the comparable sales due to differences in sale date, location, age and/or living area. Board of review comparables #2 and #3 sold in 2013 and were also found to be dated when compared to the January 1, 2015 assessment date. The appellants' comparables #1, #2, #4 and #7 and board of review comparable #3 were located over one-half mile from the subject property; board of review comparables #4 and #5 were significantly newer than the subject; and the appellants' comparable #6 had significantly more living area than the subject. As a result, the appellants' comparables #1, #2, #4, #6 and #7 and board of review comparables #2 through #5 received little weight in the Board's analysis.

The Board finds the best evidence of market value in the record to be board of review comparable #1 and the appellants' comparables #3, #5 and #8. The Board finds these properties sold proximate in time to the assessment date and were also very similar in the subject in location, design, age, living area and foundation. These four comparables sold from June to October 2014 for prices ranging from \$51,000 to \$87,000 or from \$35.27 to \$57.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$92,095 or \$61.15 per square foot of living area, including land, which is above 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 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.