



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

APPELLANT: Michael Weber
DOCKET NO.: 16-01431.001-R-1
PARCEL NO.: 08-20-428-004

The parties of record before the Property Tax Appeal Board are Michael Weber, the appellant, by attorney Ronald Kingsley of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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: \$17,780
IMPR.: \$65,545
TOTAL: \$83,325

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 2016 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 two-story and part one-story dwelling of frame construction with 1,978 square feet of living area. The dwelling was constructed in 1988. Features of the home include a full unfinished basement, central air conditioning, one fireplace and an attached two-car garage with 576 square feet of building area. The property has a 48,106 square foot site and is located in Elburn, Campton Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on January 23, 2015, for a price of \$210,900 or \$106.62 per square foot of living area, including land. To document the purchase the appellant submitted a copy of the Settlement Statement disclosing the seller was Joan F. Maroscia. The settlement statement disclosed that real estate brokers fees were paid. The appellant also submitted a copy of the Multiple Listing Service (MLS) listing sheet of the

subject property and a copy of the Listing and History Report. The listing reported the property was a short sale. The original listing price was \$253,000, the listing date was September 19, 2014 and the property sold after being on the market for 14 days. The appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$83,325. The subject's assessment reflects a market value of \$250,451 or \$126.62 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Kane County of 33.27% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales identified by the township assessor. The comparables are improved with two-story dwellings of frame, frame and brick or brick and aluminum exterior construction that range in size from 2,100 to 2,370 square feet of living area. The dwellings were constructed from 1979 to 1988. Two comparables have basements with one having finished area, central air conditioning, one fireplace and an attached garage ranging in size from 529 to 864 square feet of building area. The comparables have sites that range in size from 48,528 to 50,058 square feet of land area and are located in Elburn and Campton Hills. The comparables sold from April 2014 to November 2015 for prices ranging from \$250,000 to \$310,000 or from \$117.26 to \$130.80 per square foot of living area, including land. The assessor asserted that the subject property should be valued higher than comparables #2 and #3 because it has a walkout basement but these comparables do not.

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 appellant contends the subject's assessment should be reduced to reflect the January 2015 purchase price of \$210,900 or \$106.62 per square foot of living area, including land. The evidence disclosed the transaction involving the subject property was a short sale. Although the property was listed on the open market and it appears the parties were not related, the Property Tax Appeal Board finds the purchase price is not indicative of fair cash value as of the January 1, 2016 assessment date. The board of review provided three comparable sales that had varying degrees of similarity to the subject property. These properties sold from \$250,000 to \$310,000 or from \$117.26 to \$130.80 per square foot of living area, including land. Board of review comparable #1 sold most proximate in time to the assessment date for a price of \$310,000 or \$130.80 per square foot of living area, including land. These sales call into question whether or not the subject's purchase price is reflective of fair cash value as of the assessment date.

The subject's assessment reflects a market value of \$250,451 or \$126.62 per square foot of living area, including land, which is within the range established by the comparable sales presented by

the board of review. After considering the January 2015 sale of the subject property and the comparable sales provided by the board of review, the Property Tax Appeal Board finds the subject's assessment as established by the board of review is correct and 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman



Member

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: May 21, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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