



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

APPELLANT: Stacey Stenson  
DOCKET NO.: 16-01441.001-R-1  
PARCEL NO.: 15-21-402-004

The parties of record before the Property Tax Appeal Board are Stacey Stenson, 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 **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:** \$2,486  
**IMPR.:** \$29,860  
**TOTAL:** \$32,346

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 two-story dwelling of frame construction with 1,752 square feet of living area. The dwelling was constructed in 1900. Features of the home include a partial basement and two bathrooms. The property has a 3,300 square foot site and is located in Aurora, Aurora 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 February 2, 2016 for a price of \$140,000. The appellant submitted a copy of the Multiple Listing Service (MLS) listing for the subject property describing the home as being totally remodeled with new drywall, fresh paint, new plumbing, new electric, new kitchen cabinets, new hardwood floor and carpet, and remodeled bathroom. The listing further indicated the property had been on the market for 82 days.

The appellant also submitted an affidavit asserting that approximately 2½ weeks after the purchase she began moving her belongings into the home and discovered water pipes had burst causing damage to 70% of the home. She explained this left her family in a position where they could not move into the home because it was not livable, they were displaced and did not move into the house until December 20, 2016. The appellant also submitted a copy of the Explanation of Building Replacement Cost Benefits from State Farm stating the estimate to repair or replace the damage to her property was \$42,953.08. The appellant also provided photographs depicting the damage to her property. Based on this evidence the appellant requested the subject's assessment be reduced from \$46,662 to \$9,313.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,662. The subject's assessment reflects a market value of \$140,000 or \$79.91 per square foot of living area, land included, when using the statutory level of assessment.

The board of review asserted the property was purchased in 2016 for \$140,000 and the assessment is reflective of the purchase price. It further asserted that the repair work to be done was only temporary and the damage was covered by insurance.

To further support the assessment the board of review submitted information on seven comparable sales improved with 1.5-story and 2-story dwellings that ranged in size from 1,288 to 2,264 square feet of living area and constructed from 1900 to 1923. The sales occurred from August 2014 to December 2016 for prices ranging from \$128,000 to \$195,000 or from \$72.88 to \$132.18 per square foot of living area, including land.

The board of review requested the assessment be confirmed.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

Initially, the Board finds the best evidence of market value as of January 1, 2016 to be the purchase of the subject property in February 2016 for a price of \$140,000. The appellant provided limited evidence about the sale and the board of review provided no evidence challenging the arm's length nature of the transaction. In fact, the board of review assessed the subject property at \$46,662 to reflect a market value of \$140,000 or \$79.91 per square foot of living area, land included, when using the statutory level of assessment. However, the issue before this Board is whether there should be a diminution in the assessed valuation of the improvement assessment for the period of time the home was uninhabitable due to the bursting of the water pipes. Appellant's counsel failed to brief this argument or provide any explanation or calculations as to the amount the assessment should be reduced as the result of the damage

caused to the home rendering the dwelling uninhabitable. Similarly, the board of review did not address the issue of a possible prorated improvement assessment due to the dwelling not being habitable for a portion of the 2016 tax year.

Section 9-180 of the Property Tax Code provides in part:

When, during the previous calendar year, any buildings, structures or other improvements on the property were destroyed and rendered uninhabitable or otherwise unfit for occupancy or for customary use by accidental means (excluding destruction resulting from the willful misconduct of the owner of such property), the owner of the property on January 1 shall be entitled, on a proportionate basis, to a diminution of assessed valuation for such period during which the improvements were uninhabitable or unfit for occupancy or for customary use. **The owner of property entitled to a diminution of assessed valuation shall, on a form prescribed by the assessor, within 90 days after the destruction of any improvements or, in counties with less than 3,000,000 inhabitants within 90 days after the township or multi-township assessor has mailed the application form as required by Section 9-190, file with the assessor for the decrease of assessed valuation. Upon failure so to do within the 90 day period, no diminution of assessed valuation shall be attributable to the property.** (Emphasis added.)

Computations under this Section shall be on the basis of a year of 365 days.

35 ILCS 200/9-180.

Additionally, section 9-190(a) of the Property Tax Code provides:

When a property in a county with less than 3,000,000 inhabitants has been destroyed or rendered uninhabitable or otherwise unfit for occupancy or customary use by natural disaster or accidental means, the township assessor shall send to the owner by certified mail an application form for reduction of the assessed valuation of that property as provided in Section 9-180.

35 ILCS 200/9-190(a).

Neither the appellant nor the board of review provided evidence that the township assessor complied with section 9-190(a) by providing the taxpayer an application form for reduction in the assessed value of the home due to the bursting water pipes rendering the home uninhabitable or unfit for occupancy. Based on this record the Property Tax Appeal Board is not able to definitively determine whether the property was entitled to a proportionate assessment during the period it was uninhabitable as provided by section 9-180 of the Property Tax Code.

The Board finds; however, the appellant submitted a copy of the Explanation of Building Replacement Cost Benefits from State Farm stating the estimate to repair or replace the damage to her property was \$42,953.08. The Board finds for the 2016 tax year the subject's

improvement assessment of \$44,176 should be adjusted by the cost to repair to reflect the diminution in value of the dwelling while it was uninhabitable and being restored.

Based on this record the Board finds a reduction in the subject's assessment is appropriate.

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.

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Chairman



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Member

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Member



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Member

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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 18, 2019



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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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Stacey Stenson, by attorney:  
Ronald Kingsley  
Lake County Real Estate Tax Appeal, LLC  
13975 W. Polo Trail Drive  
#201  
Lake Forest, IL 60045

COUNTY

Kane County Board of Review  
Kane County Government Center  
719 Batavia Ave., Bldg. C, 3rd Fl.  
Geneva, IL 60134