



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

APPELLANT: Adelle Maggio
DOCKET NO.: 16-01520.001-R-1
PARCEL NO.: 05-25-379-018

The parties of record before the Property Tax Appeal Board are Adelle Maggio, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; 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: \$25,000
IMPR.: \$91,498
TOTAL: \$116,498

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 one-story dwelling of brick and frame exterior construction with approximately 1,968 square feet of living area. The dwelling was constructed in 2014. Features of the home include a full unfinished "look out" basement, central air conditioning, and a two-car attached garage. The property has a 5,433 square foot site that backs to a golf course in Elgin, Plato Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$325,000 as of June 13, 2016. The appraisal was prepared by Brian J. Miller, a certified residential real estate appraiser. The client was identified as Draper & Kramer Mortgage Corp. dba 1st Advantage. The assignment type was a refinance transaction. The intended use of the appraisal

report is for the lender/client to evaluate the property that is the subject of the appraisal for a mortgage finance transaction. The property rights appraised was fee simple.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales and two active listings. The comparables are improved with one-story dwellings that range in size from 1,755 to 2,330 square feet of living area and in age from 0 to 7 years old. Each comparable has similar features as the subject property with the exception that comparable #1 has no basement. The comparables were located from .02 to .49 miles from the subject property. Comparables #1 through #4 sold from July 2015 to April 2016 for prices ranging from \$295,000 to \$330,070 or from \$141.66 to \$169.22 per square foot of living area, including land. Comparables #5 and #6 were listings with prices of \$324,900 and \$374,900 or \$185.13 and \$188.39 per square foot of living area, including land, respectively. The appraiser adjusted the comparables for being active listings and/or differences from the subject in view and features to arrive at adjusted prices ranging from \$319,700 to \$377,900.

In the report the appraiser also reported the subject property was purchased in April 2014 for a price of \$349,000. The appraiser estimated the subject's market value to be \$325,000 or \$165.14 per square foot of living area, including land.

The appellant requested the subject's assessment be reduced to \$108,323 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$116,498. The subject's assessment reflects a market value of \$350,159 or \$177.93 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 four comparable sales identified by the township assessor improved with one-story dwellings that range in size from 1,726 to 2,395 square feet of living area and were constructed in 2014 and 2016. Each comparable has a full "look out" basement, central air conditioning, and a two-car garage. Three comparables also have one fireplace. These properties are located from .10 to .22 miles from the subject property. The sales occurred from November 2014 to May 2016 for prices ranging from \$345,287 to \$478,169 or from \$184.55 to \$222.51 per square foot of living area, including land. The board of review submission also indicated the subject property sold as new construction in April 2014 for a price of \$348,528.

The township assessor provided a written statement explaining the subject property as well as the comparables used by the board of review are located in the second phase of the Regency Section of the Bowes Creek Country Club. This is southern part of the Regency that was built starting in 2014. The assessor explained that the first phase of the Regency was built between 2007 and 2013. She also stated that in 2015 ComEd installed large towers along the north part of the Regency affecting those homes. The assessor asserted that appellant's appraisal comparable #3 looks at a tower and appellant's appraisal comparable #2 is one block from a tower. The board

of review provided copies of aerial photos depicting the location of three of the appellant's comparables and the board of review comparables with reference to the subject property.

The board of review requested the assessment be confirmed.

The appellant's counsel submitted rebuttal comments arguing the board of review evidence was composed of raw unconfirmed sales data and should be given little or no weight.

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 best evidence of market value to be the comparable sales submitted by the board of review. These comparables were most similar to the subject property in location as well as being similar to the subject in age, style and features. The board of review comparable sales sold from November 2014 to May 2016 for prices ranging from \$345,287 to \$478,169 or from \$184.55 to \$222.51 per square foot of living area, including land. The evidence provided by the board of review, which was also reported by the appellant's appraiser, disclosed the subject property was purchased in April 2014 for a price of \$348,528. The subject's assessment reflects a market value of \$350,159 or \$177.93 per square foot of living area, including land, which is within the overall price range but below the range on a square foot basis of the best comparables in the record. The subject's assessment is also supported by the subject's purchase price.

Less weight was given to the appraisal due to differences in location of comparables #2 through #6 and the fact comparable #1 has no basement. The appraisal report was also for refinance purposes and the Appraiser's Certification, paragraphs 21 and 23, limited the use of the report to the borrower, client and another lender as part of a mortgage finance transaction. The report also stated that consent must be given before the appraisal may be disclosed or distributed to any other party. The record does not contain any documentation disclosing the appraiser gave his consent to distribute the appraisal to this Board. As a final point, the appraised value was below the subject property's April 2014 purchase price, which further undermines the credibility of the appraised value for assessment purposes. For these reasons the Board gives less weight to the conclusion of value contained in the appellant's appraisal.

The Board finds even though the appellant's counsel argued in rebuttal that the board of review submitted no documentary evidence to corroborate its sales, the appellant provided no documentary evidence to refute the data.

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. 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: June 18, 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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