



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

APPELLANT: IH5 Property Illinois, LP
DOCKET NO.: 16-01609.001-R-1
PARCEL NO.: 12-24-352-021

The parties of record before the Property Tax Appeal Board are IH5 Property Illinois, LP, the appellant, by attorney Jeffrey G. Hertz of Sarnoff & Baccash in Chicago; 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: \$10,263
IMPR.: \$83,061
TOTAL: \$93,324

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 2,256 square feet of living area. The dwelling was constructed in 1974. Features of the home include a partially finished basement, one fireplace and a three-car attached garage with 770 square feet of building area. The property has a 15,956 square foot site and is located in Batavia, Batavia 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 13, 2015 for a price of \$215,000. The appellant identified the seller as Andrew Kissanis and indicated the parties were not related. The appellant further disclosed the property had been sold through a Realtor, it had been advertised in the Multiple Listing Service (MLS) and the property was on the market for 216 days. To document the transaction the appellant submitted a copy of the MLS

listing sheet for the subject property and a copy of the settlement statement. Based on this evidence, 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 \$93,324. The subject's assessment reflects a market value of \$280,505 or \$124.34 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.

The board of review asserted that for tax year 2015 it issued a one-year reduction to the subject's assessment to the purchase price. The board of review further stated the assessor's current assessment reflects the home being in a different condition than when sold. The board of review explained a building permit was taken out on the subject property, which has been rehabbed and since been rented. The board of review submitted a copy of the Building Permit Application dated January 21, 2015, indicating the property is being rehabbed.

In further support of its contention of the correct assessment the board of review submitted information on three comparable sales located in Batavia that are improved with two-story dwellings of frame construction that range in size from 1,782 to 2,208 square feet of living area. The dwellings were built in 1974 and 1975. Each comparable has a basement with one being partially finished, one fireplace and an attached garage ranging in size from 462 to 693 square feet of building area. The comparables have sites ranging in size from 9,583 to 16,150 square feet of building area. The comparables sold in March 2013 and May 2015 for prices ranging from \$248,000 to \$295,000 or from \$133.61 to \$142.00 per square foot of living area, including land.

The board of review requested confirmation of the assessment.

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 in the record to be comparable sales #2 and #3 submitted by the board of review. These comparables are in Batavia and like the subject in style, construction, features, age and land area. These properties sold in May 2015 for prices of \$295,000 and \$248,000 or for \$133.61 and \$139.17 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$280,505 or \$124.34 per square foot of living area, including land, which is within the overall prices established by the best comparable sales in this record but below their prices on a square foot basis. Less weight was given to board of review sale #1 due to its March 2013 sale date, which is not as proximate in time to the assessment date at issue as the two best sales provided by the board of review. The

Board gave less weight to the subject's sale price in establishing the assessment for tax year 2016 because the dwelling was rehabbed following the purchase. The Board finds purchase price would not reflect the change in condition of the subject dwelling from the date of purchase to the assessment date due to the rehabilitation of the home. Based on this record 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: July 16, 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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