



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

APPELLANT: Austin Holdings, T. Ramseyer & P. Koziol
DOCKET NO.: 16-01621.001-R-1
PARCEL NO.: 06-11-379-006

The parties of record before the Property Tax Appeal Board are Austin Holdings, T. Ramseyer & P. 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 **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: \$8,273
IMPR.: \$28,829
TOTAL: \$37,102

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 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 consists of a part one-story and part two-story dwelling of brick exterior construction with 1,300 square feet of living area. The dwelling was constructed in 1898. Features of the home include a full unfinished basement, central air conditioning and a 396 square foot garage. The property has a 7,216 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 information on seven comparable sales located from .41 of a mile to 1.76 miles from the subject. The comparables consist of part one-story and part two-story dwellings ranging in size from 1,077 to 1,515 square feet of living area. The appellants did not disclose the exterior construction of the dwellings. The dwellings were constructed from 1890 to 1903. The comparables have a full or partial basement and four comparables have central air conditioning.

Each comparable has a garage ranging in size from 252 to 400 square feet of building area. The appellants did not disclose the site sizes of the comparables. The comparables sold from February 2015 to May 2016 for prices ranging from \$39,654 to \$88,993 or from \$28.00 to \$59.97 per square foot of living area, including land. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$37,102. The subject's assessment reflects a market value of \$111,518 or \$85.78 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.

With respect to the appellants' evidence, the board of review submitted a letter from the Elgin Township Assessor critiquing the comparables submitted by the appellants' counsel. The assessor submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the appellants' comparable sale #1 disclosing the property had not been advertised on the open market.

In support of its contention of the correct assessment, the board of review disclosed the subject property was purchased in March 2013 for a price of \$56,000 or \$43.08 per square foot of living area, land included. Additionally, the board of review submitted information on four comparable sales, located from .18 to .69 of a mile from the subject. The comparables consist of a one and one-half story, a part one-story and part two-story and two, part one-story and part one and one-half story dwellings of stucco or frame exterior construction that range in size from 1,277 to 1,404 square feet of living area. The dwellings were constructed from 1893 to 1928. Each comparable has a basement, one of which has finished area. Additionally, one comparable has a fireplace and three comparables have a garage ranging in size from 440 to 680 square feet of building area. The comparables have sites ranging in size from 3,920 to 8,712 square feet of land area. These properties sold from September 2014 to September 2015 for prices ranging from \$113,500 to \$147,500 or from \$86.91 to \$115.51 per square foot of living area, including land. Based on this evidence the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellants contended as to the comparable sales presented by the assessor/board of review, comparables #1 and #2 sales in 2014 were too remote in time to establish market value as of January 1, 2016 and comparables #3 and #4 are dissimilar in style when compared to the subject. In a rebuttal grid analysis, counsel reiterated the four best comparable sales in the record and contended the subject's assessment should be reduced.

Lastly in rebuttal, counsel argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Counsel further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The Board gave less weight to the appellants' comparable sale #1 as the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale #1 disclosed that the property had not been advertised on the open market which brings into question the arms-length nature of the sale transaction. The Board also gave less weight to the appellants' comparables #2, #4, #5, #6 and #7 due to their distant locations in relation to the subject property. The Board gave less weight to board of review comparables #1 and #2 as their sales in 2014 are dated and less likely to reflect the subject's market value as of the January 1, 2016 assessment date. Additionally, the Board gave little weight to the subject's reported December 2013 sale price, as it is dated and less likely to reflect the subject's market value as of the lien date at issue.

The Board finds the best evidence of market value to be the appellants' comparable sale #3 along with comparable sales #3 and #4 submitted by the board of review. These three comparables are most similar to the subject in location, size, age and features. These comparables sold from April to September 2015 for prices ranging from \$45,100 to \$147,500 or from \$29.77 to \$115.51 per square foot of living area, including land. The subject's assessment reflects a market value of \$111,518 or \$85.78 per square foot of living area, including land, which falls within the range of the best comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in the subject's assessment is warranted.

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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