



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

APPELLANT: Andrew J. Jacobsen  
DOCKET NO.: 16-01624.001-R-1  
PARCEL NO.: 09-34-106-003

The parties of record before the Property Tax Appeal Board are Andrew J. Jacobsen, the appellant, 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 **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:** \$26,078  
**IMPR.:** \$32,145  
**TOTAL:** \$58,223

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 consists of a part two-story and part one-story, two-family conversion dwelling of brick and frame exterior construction with 1,940 square feet of living area. The dwelling was constructed in 1940. Features of the home include a slab foundation, central air conditioning, a fireplace and a 324 square foot garage. The property has a 8,712 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument the appellant submitted information pertaining to the sale of the subject property. The appellant completed Section IV of the residential appeal petition disclosing the subject property was purchased on February 20, 2015 for a price of \$150,100; the sale did not involve family or related corporations; and the property was advertised for sale by a realtor through the Multiple Listing Service. Additionally, the

Multiple Listing Sheet submitted by the appellant indicated the subject property was listed on the market for 78 days. A copy of the Settlement Statement reflects the purchase price, date of sale and the distribution of broker's fees to two entities. The PTAX-2013 Illinois Real Estate Transfer Declaration disclosed the subject was sold as a Bank REO (real estate owned) and the seller was a financial institution or government agency. Based on this evidence, the appellants 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 \$64,832. The subject's assessment reflects a market value of \$194,866 or \$100.46 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 the subject's assessment, the board of review submitted an analysis of four comparable sales located in the same neighborhood code as the subject property. The evidence was prepared by the township assessor. The comparables consist of a one and one-half story; a two story; a part one and one-half story and part one-story; and a part two-story and part one and one-half story, two-family conversion dwellings of frame or brick and frame exterior construction. The dwellings range in size from 1,435 to 1,833 square feet of living area that were built from 1895 to 1923. The comparables have basements, three comparables have central air conditioning, one comparable has a fireplace and each comparable has a garage ranging in size from 280 to 660 square feet of building area. The comparables have sites that contain from 3,615 to 7,100 square feet of land area. The comparables sold from July 2013 to May 2015 for prices ranging from \$182,500 to \$220,000 or from \$102.99 to \$131.72 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's attorney submitted a brief in which it was asserted that since the board of review did not dispute the recent sale of the subject property or contest its validity, the board of review's evidence was neither responsive or relevant to the basis of the appeal. Counsel also submitted copies of supporting statutory references and a copy of a Property Tax Appeal Board Decision rendered in Docket No. 15-01358.001-R-1 in support of her contention.

### **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.

The appellant presented information pertaining to the subject's 2015 sale price of \$150,100 that occurred approximately 10 months prior to the January 1, 2016 assessment date. The board of review submitted four comparable sales with varying degrees of similarity when compared to the subject. The Board gave less weight to board of review comparables #1 and #4 as their sales in 2013 and 2014 are dated and less likely to reflect the subject's market value as of the January 1,

2016 assessment date. The remaining two comparables sold in May 2015 for prices of \$182,500 and \$189,000 or \$102.99 and \$131.72 per square foot of living area, including land. The Board finds the subject's foreclosure sale price of \$150,100 to be suspect and not reflective of market value given the credible comparable sales submitted by the board of review. Nonetheless, giving some weight to the subject's sale price and some weight to the comparable sales #2 and #3 submitted by the board of review, the Board finds the subject's assessment reflects a market value of \$194,866 or \$100.46 per square foot of living area, land included, which is greater than the best comparable sales in this record. After considering adjustments for differences in the comparables when compared to the subject, the Board finds the subject property has an estimated market value of approximately \$175,000 or \$90.21 per square foot of living area, including land. Since market value has been established, the 2016 level of assessment of 33.27% for Kane County shall apply.

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

\_\_\_\_\_  
Member



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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



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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

Andrew J. Jacobsen, by attorney:  
Jessica Hill-Magiera  
Attorney at Law  
790 Harvest Drive  
Lake Zurich, IL 60047

COUNTY

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