



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

APPELLANT: John Fugate
DOCKET NO.: 16-01625.001-R-1
PARCEL NO.: 09-34-379-010

The parties of record before the Property Tax Appeal Board are John Fugate, 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: \$39,421
IMPR.: \$103,973
TOTAL: \$143,394

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 two-story dwelling of frame and stone exterior construction with 3,906 square feet of living area.¹ The dwelling was constructed in 2007. Features of the home include an unfinished basement, central air conditioning, a fireplace and an 833 square foot garage. The property has an approximately 12,502 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant partially completed Section IV of the residential appeal petition disclosing the subject property was purchased on May 27, 2015 for a price of \$431,000. The appellant's counsel reported that the subject property was purchased from the owner of record. Also, the parties to the transaction were not related and the property was advertised by a realtor through the Multiple Listing

¹ Appellant's counsel failed to complete Section III – Description of Property: descriptive data has been drawn from the property record card evidence provided by the board of review.

Service. Additionally, the Multiple Listing Sheet submitted by the appellant indicated the subject property was listed on the market for 190 days. A copy of the Settlement Statement reflects the purchase price, date of sale and the distribution of broker's fees to two entities. Based on this evidence, the appellant 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 \$194,981. The subject's assessment reflects a market value of \$586,057 or \$150.04 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 response to the appellant's appeal, the board of review submitted information provided by the St. Charles Township Assessor. The assessor explained in the memorandum that the appellant filed with the board of review for the 2015 tax year and the assessment was reduced to a market value of \$565,000 for one year only by a stipulation between the parties. The assessor explained that this was a one year only agreement because of the condition the subject was in at the time of purchase per the appellant.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located in the same neighborhood code as the subject as defined by the local assessor. The comparable properties consist of two-story dwellings of frame or frame and masonry exterior construction ranging in size from 3,402 to 4,035 square feet of living area. The dwellings were built from 2003 to 2008. The comparables have basements with two having finished areas. Each comparable has central air conditioning, one or two fireplaces and a garage ranging in size from 498 to 995 square feet of building area. Additionally, one comparable has a separate one-car garage located in the basement of the home. The comparables have sites ranging in size from 7,492 to 23,087. The comparables sold from May 2013 to June 2015 for prices ranging from \$585,000 to \$768,000 or from \$164.80 to \$225.75 per square foot of living area, including land.

In written rebuttal, the appellant's counsel contends the board of review evidence is not responsive nor relevant to the basis of the appeal.

Conclusion of Law

The appellant's counsel 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 Board finds the best evidence of market value to be the purchase of the subject property in May 2015 for a price of \$431,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a realtor, the property had been advertised on the open market with the Multiple Listing

Service and it had been on the market for 190 days. In further support of the transaction, the appellant submitted a copy of the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Furthermore, the record indicates the board of review had relied upon the July 2015 sale to reduce the subject's assessment for the 2015 tax year, demonstrating that it was of the opinion the 2015 sale was an arm's length transaction. The Board also finds the board of review comparable sales were either dissimilar in size and/or are dated sales which would not be indicative of market value as of the January 1, 2016 assessment date. As to the board of review argument about the subject having condition issues at the time of purchase, the Board finds the board of review failed to submit substantive evidence to support their claim. Based on this record the Board finds the subject property had a market value of \$431,000 as of January 1, 2016. Since market value has been determined the 2016 three-year average median level of assessment for Kane County of 33.27% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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

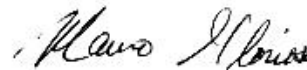
Member

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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