



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

APPELLANT: Jessie & Nick Kasper
DOCKET NO.: 16-01626.001-R-1
PARCEL NO.: 09-21-352-002

The parties of record before the Property Tax Appeal Board are Jessie & Nick Kasper, 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 **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: \$47,381
IMPR.: \$14,335
TOTAL: \$61,716

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 split-level dwelling of frame exterior construction with 2,244 square feet of living area. The dwelling was constructed in 1963. Features of the home include a part concrete slab and part crawl space foundation, central air conditioning, a fireplace and a 576 square foot garage. The property has a 50,094 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased in May 2015 for a price of \$185,500. The appellant partially completed Section IV–Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record which was The Bank of New York Mellon f/k/a The Bank of New York as reported in the Settlement Statement submitted by the appellants. Also, the parties to the transaction were not related and the property

was advertised for sale by a sign, internet and/or auction.¹ A copy of the Settlement Statement reflects the purchase price and the date of sale. The appellants' attorney also submitted the PTAX-203 Real Estate Transfer Declaration associated with the sale of the subject property which indicated the subject was advertised for sale and the seller was a Bank REO (real estate owned). In addition, counsel for the appellants submitted a brief in support of the appeal. 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 \$74,993. The subject's assessment reflects a market value of \$225,407 or \$100.45 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 St. Charles Township Assessor. The assessor submitted copies of documents associated with the sale of the subject property which includes the Multiple Listing Service (MLS) listing sheet, a Sheriff's Deed, a Special Warranty Deed, along with a copy of an appraisal with an estimated market value of \$205,000 as of April 6, 2015. The appraisal was prepared by Chad Stewart, a State of Illinois certified residential real estate appraiser. The property rights appraised were fee simple and the appraisal was performed in connection with a purchase transaction. The letter also critiqued the adjustments made by the appraiser. The assessor asserts that the subject property had condition issues at the time of the sale according to the MLS listing sheet. The assessor reported that a visit to the property in February 2016 disclosed improvements had been made to the exterior of the home since the time of sale, notably all new doors and windows had been installed.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales located within .83 of a mile of the subject. The comparables consist of a 1-story, a 1.5-story, a part 2-story and part 1-story and two, 2-story dwellings of frame or brick exterior construction ranging in size from 1,665 to 2,273 square feet of living area. The comparables were built from 1959 to 1973 and are situated on lots ranging in size from approximately 18,962 to 63,728 square feet of land area. The comparables each have a basement with three having finished areas, central air conditioning, a fireplace and a garage ranging in size from 440 to 669 square feet of building area. Additionally, one comparable has a 626 square foot in-ground swimming pool. The comparables sold from July 2014 to February 2016 for prices ranging from \$268,000 to \$412,500 or from \$145.19 to \$181.48 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 submitted a brief in which it was asserted that the board of review's evidence is 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 the contention.

¹ The board of review submitted a copy of the Multiple Listing Service (MLS) listing sheet disclosing the subject property had been listed by a realtor with an original list price of \$194,900 and a market listing time of 25 days.

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 met this burden of proof and no 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 \$185,500. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants partially completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related. In addition, the board of review submitted a copy of the MLS listing sheet indicating the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for 25 days. The Board finds the purchase price of \$185,500 is below the market value of \$225,407 as reflected by the assessment. The Board finds the board of review did not adequately present any substantive 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 Property Tax Appeal Board gave less weight to the board of review comparable sales as these sales do not overcome the subject's arm's-length sale price. Based on this record the Board finds the subject property had a market value of \$185,500 as of January 1, 2016. Since market value has been determined the 2016 three-year average median level of assessment for Kankakee County of 33.33% 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: August 20, 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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