



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

APPELLANT: T. Ramseyer & P. Koziol, Austin Holdings
DOCKET NO.: 16-01638.001-R-1
PARCEL NO.: 15-27-433-008

The parties of record before the Property Tax Appeal Board are T. Ramseyer & P. Koziol, Austin Holdings, 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: \$3,057
IMPR.: \$14,640
TOTAL: \$17,697

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 one-story dwelling of frame exterior construction with 732 square feet of living area. The dwelling was constructed in 1939. Features of the home include a crawl space foundation and a 294 square foot garage. The property has a site with approximately 8,276 square feet of land area and is located in Aurora, Aurora Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on six comparable sales located from .13 to .94 of a mile from the subject property. The comparables consist of one-story dwellings of frame exterior construction ranging in size from 703 to 876 square feet of living area. The dwellings were constructed from 1926 to 1936. Five of the comparables have a full basement and one comparable has central air conditioning. Additionally, each comparable has a garage ranging in size from 216 to 440 square feet of building area. The appellants did not disclose the site sizes of

the comparables. The comparables sold from January 2015 to June 2016 for prices ranging from \$33,000 to \$50,000 or from \$38.81 to \$71.02 per square foot of living area, including land.

In further support of the overvaluation claim, the appellants also partially completed Section IV of the residential appeal petition disclosing the subject property was purchased on May 28, 2014 for a price of \$41,500. The appellants' counsel reported that the subject property was purchased from the owner of record which was Casey Fletcher as reported in the Settlement Statement submitted by the appellants. Also, the parties to the transaction were not related and the property was advertised by a realtor through the Multiple Listing Service. The appellants' counsel did not disclose how long of a period of time the subject property was listed on the market. 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 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 \$17,697. The subject's assessment reflects a market value of \$53,192 or \$72.67 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 appellants' evidence, the board of review submitted a memorandum from the Aurora Township Assessor critiquing the appellants' comparable sales. The assessor asserts that appellants' comparables #1, #2, #4 and #5 were sale transfers by Sheriff Deed, Quit Claim Deed or Short Sale. Additionally, comparables #3 and #6 were not advertised for sales.

In support of its contention of the correct assessment, the board of review submitted information on three equity comparables located within .12 of a mile from the subject property. The comparables have varying degrees of similarity to the subject. The comparables have improvement assessments ranging from \$16,088 to \$18,305 or from \$20.57 to \$24.30 per square foot of living area. In addition, the board of review submitted three comparable sales located from .23 to .81 of a mile from the subject property. The comparables were improved with one-story dwellings of frame exterior construction ranging in size from 823 to 1,058 square feet of living area. The dwellings were constructed from 1900 to 1926. The comparables have basements, one comparable has central air conditioning and two comparables have either a 200 or 216 square foot garage. The board of review did not disclose the comparables' site sizes. These properties sold from August 2014 to October 2015 for prices ranging from \$68,000 to \$73,500 or from \$69.00 to \$85.07 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 the assessor/board of review comparables #1 and #3 sales in 2014 are too remote in time to establish market value as of January 1, 2016. Moreover, comparable #3 is 39 years older and 46% larger than the subject. In addition, comparable #2 lacks a garage. 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' counsel's 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, 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 no weight to the three equity comparables submitted by the board of review as this evidence does not address the appellants' market value argument. The parties submitted nine comparable sales for the Board's consideration. The board gave less weight to the appellants' comparables #2, #3 and #4 due to differences in location, size and features. Comparable #2 is distant in location from the subject; comparable #3 is larger in dwelling size; and comparable #4 has a superior feature of central air conditioning. The Board also gave less weight to comparables #1 and #3 submitted by the board of review 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. In addition, comparable #1 has a superior feature of central air conditioning and comparable #3 is larger in dwelling size when compared to the subject. Additionally, the Board gave little weight to the subject's reported May 2014 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 sales #1, #5 and #6, along with board of review comparable #2. These four comparables are most similar to the subject in location, size and design. These comparables sold from August 2015 to January 2016 for prices ranging from \$35,500 to \$73,500 or \$45.40 and \$85.07 per square foot of living area, land included. The subject's assessment reflects a market value of \$53,192 or \$72.67 per

square foot of living area, land included, 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

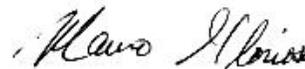
Member

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: 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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