



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

APPELLANT: T. Ramseyer & P. Koziol, Austin Holdings  
DOCKET NO.: 16-01682.001-R-1  
PARCEL NO.: 06-23-257-001

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:** \$7,362  
**IMPR.:** \$39,533  
**TOTAL:** \$46,895

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 one and one-half story dwelling of brick exterior construction with 1,709 square feet of living area.<sup>1</sup> The dwelling was constructed in 1940. Features of the property include a partial unfinished basement and crawl-space foundation, central air conditioning, a fireplace and a 384 square foot garage. The property has a 5,512 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 eight comparable sales located from .24 of a mile to 1.43 miles from the subject property. The comparables consist of part one-story and part one and

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<sup>1</sup> The appellants' grid analysis was devoid of some pertinent descriptive data, which was drawn from the evidence provided by the board of review.

one-half story dwellings ranging in size from 1,389 to 1,716 square feet of living area. The appellants did not disclose the exterior construction of the dwellings. The dwellings were constructed from 1925 to 1954. The comparables each have a full or partial basement, seven comparables have central air conditioning and four comparables have a fireplace. Additionally, each comparable has a garage ranging in size from 240 to 616 square feet of building area. The appellants did not disclose the site sizes of the comparables. The comparables sold from February 2015 to August 2016 for prices ranging from \$64,500 to \$130,000 or from \$37.88 to \$79.75 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 \$46,895. The subject's assessment reflects a market value of \$140,953 or \$82.48 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 appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor disclosed that the subject was purchased as a short sale in October 2013 for \$62,000 or \$36.28 per square foot of living area, including land. The assessor noted the property was exposed to the market for 412 days and sold in as-is condition. The assessor also noted the appellants' comparables were distressed sales and comparables #5 and #7 were not exposed/listed on the open market.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales improved with part one-story and part one and one-half story dwellings of frame exterior construction. The dwellings range in size from 1,143 to 1,698 square feet of living area and were constructed from 1888 to 1950. The comparables each have basements, three of which have finished area. Additionally, three comparables have central air conditioning and two comparables have one or two fireplaces. Each comparable has a garage ranging in size from 240 to 520 square feet of building area. The comparables have sites ranging in size from 6,138 to 10,296 square feet of land area. The comparables sold from June 2014 to August 2015 for prices ranging from \$140,000 to \$154,000 or from \$90.69 to \$124.23 per square foot of living area, including land.

In written rebuttal, counsel for the appellants contended the assessor/board of review comparable sale #2 is 33% smaller and 52 years older than the subject. In addition, the 2014 sales of board of review comparables #3, #4 and #5 are too remote in time to establish market value as of January 1, 2016. In a rebuttal grid analysis, counsel reiterated the six 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 parties submitted 13 comparable sales for the Board's consideration. The board gave less weight to the appellants' comparable sales #1, #2, #3, #5 and #6 due their distant location from the subject. The Board also gave less weight to board of review comparables #2, #3, #4 and #5 due to differences in sale date, size and age. Moreover, comparable #2 is smaller in dwelling size and older in age and the 2014 sales of comparables #3, #4 and #5 are dated and less likely to reflect the subject's market value as of the January 1, 2016 assessment date. Furthermore, comparable #3 is smaller in dwelling size and comparable #4 is older in age. Additionally, the Board gave little weight to the subject's reported September 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 appellant's comparable sales #4, #7 and #8, along with board of review comparable sale #1. These four comparables are most similar to the subject in location, size, design, age and features. These comparables sold from June 2015 to August 2016 for prices ranging from \$80,000 to \$154,000 or from \$57.60 to \$90.69 per square foot of living area, including land. The subject's assessment reflects a market value of \$140,953 or \$82.48 per square foot of living area, including land, which falls within the range established by 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.

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Chairman



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Member

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Member



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Member

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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

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COUNTY

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