



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

APPELLANT: Dawn Bolda  
DOCKET NO.: 16-02658.001-R-1  
PARCEL NO.: 03-10-460-002

The parties of record before the Property Tax Appeal Board are Dawn Bolda, the appellant, by attorney Glenn S. Guttman of Rieff Schramm Kanter & Guttman in Chicago; and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$21,005  
**IMPR.:** \$70,090  
**TOTAL:** \$91,095

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kendall 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 is improved with a two-story dwelling of brick and frame construction with 3,162 square feet of living area. The dwelling was constructed in 2004 and is approximately 12 years old. Features of the home include an unfinished basement, central air conditioning and an attached two-car garage with 639 square feet of building area. The property has a 7,130 square foot site and is located in Oswego, Oswego Township, Kendall County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales improved with two-story dwellings of frame or brick and frame construction that range in size from 3,152 to 3,553 square feet of living area. The dwellings range in age from 10 to 13 years old. Each comparable has an unfinished basement, three comparables have central air conditioning, two comparables each have a fireplace and each comparable has a two-car garage with either 554 or 679 square feet of

building area. The comparables are located in the same subdivision as the subject property. The sales occurred from October 2013 to September 2014 for prices ranging from \$232,500 to \$289,000 or from \$74.58 to \$81.58 per square foot of living area, land included. Based on this evidence the appellant requested the subject's assessment be reduced to the average price per square foot of \$79.60 to reflect a market value of \$251,695 and an assessed value of \$83,890.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$91,095. The subject's assessment reflects a market value of \$274,300 or \$86.74 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Kendall County of 33.21% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two-story dwellings of frame or brick and frame construction that have either 3,152 or 3,162 square feet of living area. The dwellings are 10 or 11 years old. Each comparable has an unfinished basement, central air conditioning, one fireplace and an attached two-car garage with 639 square feet of building area. Each comparable is located in the same subdivision as the subject property. The sales occurred from February 2015 to December 2015 for prices ranging from \$260,000 to \$288,000 or from \$82.49 to \$91.37 per square foot of living area, including land.

To document the sales the board of review submitted a copy of the property record card for each property and a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with each sale. The transfer declarations reported each property was advertised for sale; sale #2 was a short sale; sale #3 was sold by a relocation company; and sale #4 was a Bank REO (real estate owned) and sold by the Federal National Mortgage Association.

The appellant's counsel submitted rebuttal comments regarding the board of review sales noting that one was a short sale, one was a foreclosure, and another was a relocation sale. Based on these circumstances the appellant contends these should not be considered arm's length transactions. The appellant also contends that a review of the property record cards disclosed that building permits were issued in 2015 and 2016 suggesting that improvements were made to these properties therefore increasing their values.

The board of review replied with documents disclosing that a permit in the amount of \$695 was issued for sale #1 for radon; and two permits were taken out for sale #2 in 2016, after the sale, totaling \$6,100 for construction of a deck and fence. The board of review also cited section 16-183 of the Property Tax Code (35 ILCS 200/16-183) for the proposition that the Property Tax Appeal Board is to consider compulsory sales of comparable properties for the purpose of revising and correcting assessments.

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be the comparable sales submitted by the board of review. These comparables were similar to the subject in location, age, style, size and features. Additionally, these properties sold more proximate in time to the assessment date than the comparables provided by the appellant. Furthermore, the Board gives little weight to the appellant's argument that the board of review comparables included a foreclosure and a short sale. Section 1-23 of the Property Tax Code (35 ILCS 200/1-23) defines "compulsory sale" as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 of the Property Tax Code (35 ILCS 200/16-183) also provides:

The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

Based on these statutory provisions, the Property Tax Appeal Board finds it is to consider compulsory sales, including short sales and foreclosures of comparable properties, in determining the correct assessment.

The board of review comparables sold for prices ranging from \$260,000 to \$288,000 or from \$82.49 to \$91.37 per square foot of living area, including land. The subject's assessment reflects a market value of \$274,300 or \$86.74 per square foot of living area, including land, which is within the range established by the best comparable sales in this record.

Less weight was given the sales provided by the appellant as they did not occur as proximate in time to the assessment date as did the sales provided by the board of review.

Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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: August 20, 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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