



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

APPELLANT: Wesley Allen Family LP  
DOCKET NO.: 17-00349.001-C-1  
PARCEL NO.: 03-31-277-044

The parties of record before the Property Tax Appeal Board are Wesley Allen Family LP, the appellant; 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:** \$ 50,674  
**IMPR.:** \$110,559  
**TOTAL:** \$161,233

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 2017 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 commercial condominium of masonry exterior construction that is 12 years old. The structure contains 3,353 square feet of building area and is situated on .4 of an acre site. The subject property is located in Dundee Township, Kane County.

The appellant contends both overvaluation and assessment inequity as the bases of the appeal. In support of these arguments, the appellants submitted three comparable properties with varying degrees of similarity when compared to the subject. The comparables sold from January 2010 to March 2013 for prices ranging from \$308,000 to \$442,860 or from \$115.15 to \$134.20 per square foot of living area including land.

The comparables have land assessments ranging from \$40,606 to \$50,674 and improvement assessments ranging from \$94,746 to \$118,239 or from \$28.71 to \$38.61 per square foot of building area.

The appellant explained that the subject property was purchased sight unseen in February 2015 for \$664,000 as part of the 1031 exchange and the property was fully leased at the time of sale, but tenants began to vacate the building shortly thereafter. As a result, the property was re-listed for sale in February 2016 for \$675,000 with price reductions through January 2018 to \$475,000, with no offers to purchase. The appellant submitted the Multiple Listing Service History Report (Exhibit C) showing the listing price history of the subject.

The appellant also submitted the final decision pertaining to the subject property as determined by the Kane County Board of Review for the 2017 tax year. The subject property has a final assessment of \$193,381, which reflects an estimated market value of \$580,375 or \$173.09 per square foot of living area including land when applying the 2017 three-year average median level of assessment for Kane County of 33.32%. The subject property has a land assessment of \$58,014 and an improvement assessment of \$135,367 or \$40.37 per square foot of building area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review did not timely submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a).

### **Conclusion of Law**

The taxpayer argued 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). The appellant also contend assessment inequity as the basis to the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). The Board finds the appellant met these burdens of proof and a reduction in the subject's assessment is warranted.

The Board finds the only evidence of uniformity of assessments are the three assessment comparables submitted by the appellant. These comparables had varying degrees of similarity when compared to the subject. They have land assessments ranging from \$40,606 to \$50,674. The subject has a land assessment of \$58,014, which is greater than the only land comparables in the record. Therefore, a reduction in the subject's land assessment is warranted. With respect to the improvement inequity claim, the comparables have improvement assessments ranging from \$94,746 to \$118,239 or from \$28.71 to \$38.61 per square foot of living area. The subject property has an improvement assessment of \$135,367 or \$40.37 per square foot of living area, which falls above the range established by the only assessment comparables contained in the record and supports a reduction in the subject's improvement assessment.

With respect to the market value argument, the record shows the subject property was purchased sight unseen in February 2015 for \$664,000 as part of the 1031 exchange and the property was fully leased at the time of sale, but tenants began to vacate the building shortly thereafter. The Board gave little weight to the 2015 sale price. First, the Board finds the 2015 transaction is

somewhat dated in relation to the January 1, 2017 assessment date to be considered indicative of market value. Second, the 2015 sale appears to represent the leased fee interest of the property rather than fee simple interest. Finally, the property sold through a 1031 exchange, which calls into question the arm's-length nature of the transaction without any information pertaining to the details of the sale. The appellant also submitted three comparable sales to further support the contention the property was overvalued. The Board gave little weight to this evidence due to the fact the sales occurred from 2010 to 2013, which are dated in relation to the January 1, 2017 assessment date to be considered reflective of market value.

The Board finds the subject property was listed for sale in February 2016 for \$675,000 with price reductions through January 2018 for a final list price of \$475,000. The Board finds this evidence is probative of the subject's market value and sets the upper limit of value. The listing history shows that as of the January 1, 2017 assessment date, the property was listed for sale at \$499,000. The subject's assessment reflects an estimated market value of \$580,375, which is considerably more than the listing price most proximate in time to the assessment date. The Board finds this evidence demonstrates the subject's 2017 assessment is not reflective of fair market value and is excessive.

The Board finds the board of review did not timely submit any evidence in support of the correct assessment of the subject property or to refute the value evidence submitted by the appellant. 86 Ill.Admin.Code §1910.40(a). Therefore, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. 86 Ill.Admin.Code §1910.69(a). Based on this analysis, the Board finds the appellant has demonstrated the subject property was inequitably assessed by clear and convincing evidence and overvalued by a preponderance of the evidence. Therefore, a 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: April 21, 2020



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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