



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

APPELLANT: William Lepke
DOCKET NO.: 17-00433.001-R-1
PARCEL NO.: 09-12-251-029

The parties of record before the Property Tax Appeal Board are William Lepke, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry, 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: \$ 81,712
IMPR.: \$139,932
TOTAL: \$221,644

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 part one-story and part two-story single-family dwelling of brick and frame exterior construction with approximately 4,448 square feet of living area. The dwelling was constructed in 1993. Features of the home include a full unfinished English-style basement, central air conditioning, two fireplaces and an attached six-car garage containing 2,124 square feet of building area. The property has a 4-acre or 174,240 square foot site and is located in Wayne, St. Charles Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal report prepared by Michelle Martino, a Certified Residential Real Estate Appraiser, estimating the subject property had a market value of \$665,000 or \$149.51 per square foot of living area, including land, as of January 1, 2017.

As set forth in the appraisal report, the subject property has an effective age of 20 years with an actual age of 24 years. Martino noted the subject dwelling had custom built features and millwork throughout; the garage also has built in workstations with an extended ceiling height. The condition was noted as average by the appraiser and she further described the presence of a man-made pond in the front of the property and a family room of two-story height. The subject property was physically inspected by the appraiser on September 29, 2017.

Using the sales comparison approach, Martino considered four comparable sales located in Wayne and from .34 of a mile to 1.87-miles from the subject property. The appraiser utilized sales to encompass the general area but were selected due to the location of unincorporated Wayne. The comparables have sites that range from 2 to 4.3-acres of land area. The comparable properties are improved with a one-story, a 1.5-story and two, two-story frame or brick and cedar dwellings that were 18 to 66 years old. As part of the report, Martino also noted the subject was unique in age located in a seasoned area with a range of style and age of homes. The dwellings range in size from 2,020 to 6,324 square feet of living area. Three of the comparables have full basements with finished areas with a bathroom and one comparable has no basement. Each home also has central air conditioning, one, two or six fireplaces and a two-car or a 5.5-car garage. Comparable #1 also has a horse barn and a garage studio; comparable #2 also has an in-ground swimming pool; and comparable #3 also has a Florida room, guest house and tennis court. The comparables sold between April and November 2016 for prices ranging from \$440,000 to \$1,350,000 or from \$151.57 to \$217.82 per square foot of living area, land included.

In summarizing the comparable sales that were presented, the appraiser reported there were only four sales for the town of Wayne, unincorporated and located in St. Charles Township. Martino stated larger adjustments were needed as these homes ranged in age, size and overall utility. An upward adjustment was made to sale #2 for its smaller lot size. An upward adjustment was made to sale #4 for its inferior quality of construction and upward adjustments were made to the two oldest dwellings. A substantial downward adjustment was made for condition to sale #3. The appraiser also made adjustments for differences in the number of bathrooms and each comparable was adjusted for differences in dwelling size when compared to the subject. Each property was adjusted for basement and basement finish with additional adjustments for functional utility based on the number of bedrooms. The appraiser also made adjustments for differences in garage size and/or other features when compared to the subject including updates, number of fireplaces and building material. Through this adjustment process, the appraiser determined that the adjusted sale prices of the comparable properties ranged from \$575,900 to \$905,000 or from \$143.11 to \$294.80 per square foot of living area, land included. From this data and analysis, Martino concluded an estimate of market value for the subject property of \$149.51 per square foot of living area or \$665,000, including land, under the sales comparison approach to value.

Based on this evidence, the appellant requested a total assessment to approximately reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$245,741. The subject's assessment reflects a market value of \$737,518 or \$165.81 per square foot of living area, land included, when using the 2017 three

year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appellant's appraisal, the board of review submitted a memorandum and data gathered by the St. Charles Township Assessor's Office. As to the appellant's appraisal report, the assessor stated:

The Appraisal submitted is as of 9/29/2017, and the value conclusion is based on four of the six sales occurring in 2017. These sales cannot be considered for valuation purposes until 2018, and therefore the value conclusion reached on the appraisal is not valid for the current 1/1/2017 valuation date.

In addition, the assessor specifically commented in the memorandum on appraisal sale #2 noting it was purchased in "very poor condition." The assessor also questioned a purported downward adjustment of \$2,000 for a 'full walkout basement'; the assessor contends this dwelling has 90% crawl space.¹

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on five comparable sales located in either Wayne or St. Charles. The comparables were located from .71 of a mile to 3.14-miles from the subject property. The comparables have sites that range from 1.091 to 5-acres of land area. The comparable properties are improved with three, one-story and two, two-story frame, brick or frame and stone dwellings that were 15 to 62 years old. The dwellings range in size from 3,783 to 4,918 square feet of living area. Three of the comparables have full or partial basements, two of which have finished areas and one of which is an English-style; one comparable has a crawl space foundation and one comparable has a concrete slab foundation. Each home also has central air conditioning, one to four fireplaces and a garage or garages ranging in total building area from 905 to 1,927 square feet. Comparable #1 also has a shed; comparable #3 also has a shed, a 1,296 square foot barn and an in-ground swimming pool; and comparable #4 also has a 1,064 square foot barn. The comparables sold between April 2014 and October 2016 for prices ranging from \$585,000 to \$865,000 or from \$148.64 to \$190.05 per square foot of living area, land included.

In written rebuttal, counsel for the appellant initially noted the erroneous nature of the Kane County Board of Review criticisms of the appellant's appraisal report referring to a non-existent valuation date and six non-existent comparable sales; the purported and criticized sale #2 is also not contained within the Martino appraisal.

Next, counsel outlined differences between the subject and the five comparable sales presented by the board of review and provided Multiple Listing Service (MLS) data sheets for each of the properties along with noting use of dated sales as of the January 1, 2017 valuation date. Differences in the updating, rehab, number of fireplaces, basement finish, pool and other amenities were outlined.

¹ The assessor provided a grid analysis purportedly reiterating appraisal sales #2 and #3 however the property identified as appraisal sale #2 is not contained in the appraisal report filed herein by the appellant and the property identified as appraisal sale #3 is actually sale #1 in the Martino appraisal report.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal of the subject property and the board of review submitted five suggested comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given no weight to the assessor's criticisms of the Martino appraisal report as there is no data in the record to support the assertions made by the assessor concerning the valuation date, the number of appraisal sales presented and/or the purported properties presented in the appraisal. The Board has also given reduced weight to board of review comparables #2 and #3 as these properties sold in 2014 and 2015, respectively, dates more remote in time to the valuation date at issue of January 1, 2017 and thus less likely to be indicative of the subject's estimated market value. The Board has also given reduced weight to board of review comparable #1 as this property has a crawl space foundation as compared to the subject's English style basement and the Board has given little weight to board of review comparable #5 due to its location in St. Charles and over three-miles from the subject property; moreover, the sale price of comparable #5 appears to be an outlier given the other properties presented by the board of review.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an opinion of value of \$665,000 or \$149.51 per square foot of living area, including land, along with board of review comparable sale #4 which sold in October 2016 for \$650,000 for \$148.64 per square foot of living area, including land. In estimating the market value of the subject property, the appellant's appraiser relied upon the sales comparison approach and made adjustments to the comparables to account for differences from the subject property; as noted, the assessing officials failed to present any valid criticisms of the Martino appraisal report. On this record, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the sales within the report and is further well-supported by board of review comparable sale #4; of the sales presented by the board of review, this comparable was located most proximate to the subject and was similar to the subject in age, design, dwelling size, foundation and some features. The subject's assessment reflects a market value of \$737,518 or \$165.81 per square foot of living area, including land, which is above both the appraised value and above the best comparable sale in the record presented by the board of review.

In summary, the Property Tax Appeal Board finds the subject property is overvalued based on its assessment and a reduction in the subject's assessment commensurate with the appellant's request 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



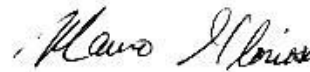
Member

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: May 26, 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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