



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

APPELLANT: DPK Realty Corp
DOCKET NO.: 17-00557.001-R-1
PARCEL NO.: 03-13-452-060

The parties of record before the Property Tax Appeal Board are DPK Realty Corp, the appellant, 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: \$ 9,075
IMPR.: \$39,131
TOTAL: \$48,206

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 split-level single-family dwelling of frame exterior construction with 1,628 square feet of above-grade living area. The dwelling was constructed in 1969. Features of the home include a partially finished lower level and a 528 square foot garage. The property has a 6,534 square foot site and is located in Carpentersville, Dundee Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted limited information on seven comparable sales each of which is located in the Golfview Highlands neighborhood like the subject and within .39 of a mile of the subject. The comparable dwellings consist of split-level homes that were built between 1961 and 1970. Each of the homes contain 1,628 square feet of living area. Six of the comparables have central air conditioning. The appellant's grid analysis indicated that the dwellings do not have

basements but failed to identify whether the dwellings have finished lower levels given their split-level designs. Each comparable has a garage ranging in size from 374 to 576 square feet of building area. The comparables sold from February 2016 to November 2017 for prices ranging from \$94,000 to \$120,000 or from \$57.74 to \$73.71 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduction in the assessment to reflect a market value of \$112,079 or \$68.84 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$48,206. The subject's assessment reflects a market value of \$144,676 or \$88.87 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 appeal, the board of review submitted a memorandum and data prepared by the Dundee Township Assessor's Office. A portion of the assessor's data appears to have been prepared in response to the appeal filed at the local level before the Kane County Board of Review; for instance, the assessor purports to reiterate the eight comparable sales that were presented by the appellant which does not comport entirely with the appellant's data submitted to the Property Tax Appeal Board.

In further response to the appeal, the assessor contends that the subject property is rental property/investment property and noted that no rental information or rehab information has been provided. To further support the foregoing assertion, the assessor provided a copy of the Village of Carpentersville Residential Rental License and application for the subject property which the appellant filed in April 2017. Also submitted was an undated printout of a rental listing for the subject property.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on ten comparable sales each of which is located in the Golfview Highlands neighborhood like the subject and from .23 of a mile to 1.66-miles from the subject property. The comparable dwellings consist of a frame raised ranch and nine, split-level frame homes that were built between 1957 and 1969. The dwellings range in size from 1,540 to 1,675 square feet of living area. Each dwelling has a partially finished lower level, central air conditioning and a garage ranging in size from 264 to 616 square feet of building area. The comparables sold from May 2016 to May 2017 for prices ranging from \$175,000 to \$180,000 or from \$107.46 to \$116.23 per square foot of living area, including land.

Based on the foregoing evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contended that rental information, such as income and expense data, need not be considered in determining fair market value of a property unless that are no comparable sales available. To the extent to which the board of review asserted rehabilitation of the subject property, the appellant's counsel cites Section 10-20 of the Property Tax Code (35 ILCS 200/10-20) for the contention that repairs and maintenance alone do not

increase property value unless square footage has been added. The appellant further disputed the comparability of board of review comparables #1, #4, #5, #6, #8, #9 and #10 as each was more than a mile distant from the subject property; appellant's counsel included a map and distance chart to support the assertion.

Next the appellant asserted each of the appellant's comparables along with board of review comparables #2, #3 and #7 were the best suitable comparables in the record and should result in a reduction of the subject's estimated market value as reflected by its assessment.

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 parties submitted a total of seventeen comparable properties to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #1, #4, #5, #6, #8 and #9 as each of these properties are more than one-mile distant from the subject based on the data submitted by both parties; furthermore, comparable #1 differs in design and comparable #4 differs in dwelling size when compared to the subject.

The Board finds the best evidence of market value to be appellant's comparable sales along with board of review comparable sales #2, #3, #7 and #10. These comparables are each similar to the subject in location, design, age, size and most features; the comparables sold from February 2016 to November 2017 for prices ranging from \$94,000 to \$179,900 or from \$57.74 to \$110.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$144,676 or \$88.87 per square foot of living area, including land, which is well within the range established by the best comparable sales in this record and appears to be well-supported in light of the totality of the sales evidence in the record. Based on this evidence, the Board finds the subject property is not overvalued and 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.



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

DPK Realty Corp, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134