



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

APPELLANT: Austin Holdings
DOCKET NO.: 17-00562.001-R-1
PARCEL NO.: 15-21-202-045

The parties of record before the Property Tax Appeal Board are Austin Holdings, 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 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: \$6,729
IMPR.: \$14,936
TOTAL: \$21,665

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 dwelling of frame construction with 598 square feet of living area. The dwelling was constructed in 1929. Features of the home include a full unfinished basement and a detached 644 square foot garage. The property has a 10,230 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales that were located from .60 of a mile to 1.71 miles from the subject property. The comparables site sizes were not disclosed. The comparables were one-story dwellings of frame construction that ranged in size from 572 to 720 square feet of living area. The homes were built from 1926 to 1929. The comparables had basements ranging in size from 520 to 696 square feet of building area. Finished basement area was not disclosed by the appellant. The comparables had other features with varying degrees of

similarity to the subject. The comparables had sale dates occurring from January 2016 to June 2017 and sold for prices ranging from \$41,000 to \$71,500 or from \$71.68 to \$102.73 per square foot of living area, including land.

Based on this evidence the appellant requested that the subject's assessment be reduced to \$15,945 or a market value of \$47,840.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,516. The subject's assessment reflects a market value of \$79,580 or \$133.08 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 support of its contention of the correct assessment the board of review submitted information on five comparable sales that were located from .06 to .63 of a mile from the subject property. The comparables site sizes were not disclosed. The comparables were one-story dwellings of frame construction that ranged in size from 576 to 768 square feet of living area. The homes were built from 1927 to 1954. The comparables had basements ranging in size from 576 to 768 square feet of building area. Finished basement area was not disclosed by the board of review. The comparables had other features with varying degrees of similarity to the subject. The comparables had sale dates occurring from January 2015 to December 2016 and sold for prices ranging from \$89,000 to \$127,500 or from \$143.49 to \$188.61 per square foot of living area, including land.

The board of review also submitted an assessment grid containing four comparables to show the subject was being uniformly assessed.

The board of review's evidence included a grid containing six comparable sales that it indicated were submitted by the appellant, however, the comparables appear to have been submitted to the local board of review and not the Property Tax Appeal Board. Three of the sales were not advertised prior to selling, as supported by their PTAX-203-Illinois Real Estate Transfer Declarations also submitted by the board of review. The three remaining gridded comparables were submitted by the appellant to the Property Tax Appeal Board and the board of review reported they were transferred by "Executor Deed", "Administrator Deed" or "Special Warranty Deed."

Based on this evidence the board of review requested that the subject's assessment be confirmed.

The appellant's counsel submitted rebuttal critiquing the board of review's submission.

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 Board finds the best evidence of market value to be the appellant's comparables #2 and #3. These comparables were most similar to the subject in location, style, size, age and features. These comparables also sold proximate in time to the January 1, 2017 assessment date at issue. These most similar comparables sold in June 2016 and June 2017 for prices of \$60,000 and \$71,500 or \$83.33 and \$102.73 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$79,580 or \$133.08 per square foot of living area, including land, which is above the market values of the best comparable sales in this record. The Board gave less weight to the appellant's remaining comparables due to their being located over a mile from the subject. The Board gave less weight to the board of review's comparable sales due to their newer construction or their sale dates occurring greater than 20 months prior to the January 1, 2017 assessment date at issue. Finally, the Board gave less weight to the equity grid analysis submitted by the board of review as this evidence is not responsive to the overvaluation argument brought by the appellant. Based on this evidence the Board finds a reduction in the subject's assessment is 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: 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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