



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

APPELLANT: Dennis & Joan Junod
DOCKET NO.: 17-00598.001-R-1
PARCEL NO.: 09-17-376-005

The parties of record before the Property Tax Appeal Board are Dennis & Joan Junod, the appellants, 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: \$49,351
IMPR.: \$117,299
TOTAL: \$166,650

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story brick and frame single-family dwelling with 4,231 square feet of living area. The dwelling was constructed in 1990. Features of the home include a 2,726 square foot walk-out basement with 2,045 square feet of finished area, central air conditioning, two fireplaces, and a 770-square foot garage. The property has a 1.27-acre site and is located in St. Charles Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants completed section IV of the Residential Appeal form disclosing the subject property was purchased from George M. Powell on January 11, 2017 for a price of \$452,000. The appeal petition indicated the property was advertised for sale on the Multiple Listing Service (MLS) for 15 days and that the sale was not between related parties. Appellant submitted a copy of MLS listing sheet showing the property was originally listed for \$459,900 on November 1, 2016 then

lowered to \$449,900. The parties signed a contract for \$452,000 on November 16, 2016. The listing sheet also disclosed “home sold as is – Home Warranty Included!!” Appellants also submitted a copy of the Settlement Statement showing that commissions were paid to two Realtors at closing, along with a brief in support of their position that this was an arm’s length transaction. Based on this evidence, the appellants requested a reduction in the subject’s assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$166,650. The subject's assessment reflects a market value of \$500,000 or \$118.21 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 a brief stating that the subject was originally assessed at \$193,792 for 2017. The appellants disputed this amount and submitted an appraisal dated November 25, 2016 showing the subject property had a market value of \$500,000. The assessor did not agree with the appraised value because none of the appraisal comparables were in the same neighborhood as the subject. Nonetheless, the parties signed a stipulation agreement based on the value determined in that appraisal. The brief also notes that there are 33 homes in Maples subdivision where the subject property is located and that there were no sales in that neighborhood in 2016. The board of review also found fault with the fact that the subject property was only on the market for 15 days before going under contract and argued that “the sale does not appear to mimic market conditions due to its lower overall sale price in comparison to all of the other arm’s length sales of similar properties in the subject neighborhood.”

In further support of its argument on the correct assessment, the board of review submitted information on eight comparable sales of properties located in the same subdivision as the subject. The comparables are located within .17 of a mile from the subject and consist of two-story brick and frame single-family dwellings built from 1988 to 1994. The dwellings range in size from 3,199 to 4,590 square feet of living area. Each comparable has a full or partial basement, seven of which have finished area. The comparables also feature central air conditioning, one to three fireplaces, and an attached garage ranging in size from 714 to 1010 square feet of building area. Comparable #8 has a second detached garage with 484 square feet of building area. The comparables sold from July 2014 to July 2017 for prices ranging from \$470,000 to \$610,000 or from \$121.57 to \$159.06 per square foot of living area, including land. Based on this evidence and argument, the board of review requested confirmation of the subject’s assessment.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted evidence regarding the subject's 2017 sale, a copy of an appraisal performed at the request of the appellants in order to obtain a mortgage for the purchase of the property, a stipulation agreement signed by the appellants and the Township Assessor, and eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board gave less weight to the subject's 2017 purchase price of \$452,000 in part because its purchase price was significantly below the price of the most similar comparable sales in the record but also because the appraisal performed at the time of the purchase valued the property at \$48,000 more than the purchase price. The Board also gave less weight to board of review comparables #4 through #8 as their 2014 and 2015 sale dates are less proximate in time to the subject's January 1, 2017 assessment date and, therefore, less indicative of market value as of that date. Further, these comparables vary from the subject in dwelling size, basement finish and/or the number of garages when compared to the subject.

The Board finds the best evidence of market value in the record to be the subject property's November 2016 appraisal estimating a fair market value of \$500,000, along with the board of review's three remaining comparable sales. Although the board of review criticized the appraisal for not utilizing comparable sales in the subject's same neighborhood, the board of review also submitted evidence stating that there were no 2016 sales in that neighborhood. This is given additional credence by board of review's own comparable sales which occurred in 2014, 2015 and 2017. The board of review's three best comparables were similar to the subject in location, design, age, and most features and sold proximate in time to the assessment date at issue for prices ranging from \$497,400 to \$590,000 or from \$125.34 to \$149.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$500,000 or \$118.21 per square foot of living area, including land, which was stipulated to by the parties in August 2017. Further, the assessment is within the range established by the best comparable sales in this record on an overall basis and slightly below the range on a per square foot basis. After adjusting the comparables for differences in some features when compared to the subject and in light of the appellants' own appraisal, 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.



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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