



FINAL ADMINISTRATIVE DECISION ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: James & Linda Barr
DOCKET NO.: 17-00601.001-R-2
PARCEL NO.: 09-18-176-001

The parties of record before the Property Tax Appeal Board are James & Linda Barr, 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 **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:	\$75,499
IMPR.:	\$290,801
TOTAL:	\$366,300

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 dwelling of brick exterior construction with 5,786 square feet of living area. The dwelling was constructed in 2007. Features of the home include a full English-style basement with 1,400 square feet of finished area, central air conditioning, three fireplaces and a 1,111 square foot garage. The property has a 78,408 square foot site and is located in The Royal Hawk golf course community in St. Charles, St. Charles Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on seven comparable sales located from .09 to .36 of a mile from the subject. The comparables consist of two-story dwellings of frame or brick exterior construction that were built from 1999 to 2004. The homes range in size from 4,315 to 5,674 square feet of living area. Each home has a full basement, central air conditioning, one to four

fireplaces and a garage ranging in size from 766 to 1,307 square feet of building area. The comparables sold from January to November 2016 for prices ranging from \$490,875 to \$736,000 or from \$96.12 to \$165.43 per square foot of living area, including land. Based on this evidence, the appellants requested a reduced assessment reflecting a market value of \$423,857 or \$73.26 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 \$423,857. The subject's assessment reflects a market value of \$1,272,080 or \$219.85 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 gathered by the St. Charles Township Assessor's Office. The assessor noted that all of the dwellings in the subject's neighborhood are unique custom-built homes with varying degrees of quality of finish and amenities. The assessor further asserted that the subject property "far exceeds the appellants' comparables in quality of construction." Moreover, the subject property was "currently" listed for sale through the Multiple Listing Service (MLS) with an asking price of \$1,299,000. A copy of the listing sheet depicts the property was placed on the market on January 25, 2018 with an original listing price of \$1,375,000 before being reduced and was reported as being on the market for 188 days. In contrast to the subject's asking price, the assessor noted that the highest list price among the appellants' comparables was \$719,000 for appellants' comparable #4 which suggests that the comparable properties presented by the appellants are far inferior to the subject.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on four comparable sales located in the same subdivision as the subject. The comparables consist of two-story dwellings of brick, brick and frame or brick/stone and stucco exterior construction that were built in 2003 or 2005. The homes range in size from 4,375 to 6,706 square feet of living area. Each comparable has a basement, one of which is English-style and two of which are walkout-styles where three basements have finished areas. Each dwelling has central air conditioning, two or three fireplaces and a garage ranging in size from 998 to 2,092 square feet of building area. Comparable #1 also has a swimming pool. The comparables sold from September 2014 to February 2017 for prices ranging from \$957,500 to \$1,850,000 or from \$188.64 to \$317.11 per square foot of living area, including land.

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

In rebuttal, the appellants' legal counsel argued that listings are not used to determine market value for various reasons, among them, is that an asking price is typically inflated and has no relevance until the property actually sells. Counsel acknowledged that the subject has been marketed for nearly two years and has not sold. The asking price has been reduced by about 31% over time. A copy of the MLS listing history was submitted along with a current listing with an asking price of \$1,099,000 in November 2018. The history data depicts a listing in February 2017 for \$1,595,000 with multiple subsequent reductions to the current asking price.

As to the comparable sales presented by the board of review, the appellants' counsel argued that comparables #3 and #4 which each sold in 2014 were too remote in time to be indicative of the subject's estimated market value as of January 1, 2017.

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

The parties submitted a total of eleven comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #3 and #4 as the dates of sale in 2014 are less likely to be indicative of the subject's estimated market value as of January 1, 2017.

The Board finds the best evidence of market value to be appellants' comparable sales along with board of review comparable sales #1 and #2 which all present varying degrees of similarity to the subject dwelling. These nine comparables sold between January 2016 and February 2017 for prices ranging from \$490,875 to \$1,265,000 or from \$96.12 to \$218.86 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,272,080 or \$219.85 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, 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

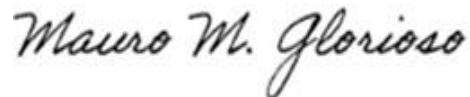
DISSENTING:

C E R T I F I C A T I O N

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:

September 15, 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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