



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

APPELLANT: Zach Derrico  
DOCKET NO.: 18-01004.001-R-1  
PARCEL NO.: 09-27-330-002

The parties of record before the Property Tax Appeal Board are Zach Derrico, the appellant, by attorney Jessica Hill-Magiera 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:** \$29,286  
**IMPR.:** \$170,694  
**TOTAL:** \$199,980

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 2018 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 and frame exterior construction with 4,047 square feet of living area.<sup>1</sup> The dwelling was constructed in 1925. Features of the home include an unfinished basement, central air conditioning, three fireplaces and a 400 square foot garage. The property site contains approximately 17,498 square feet of land area and is located in St. Charles, St. Charles Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 10, 2018 for a price of \$600,000. The appellant partially completed Section IV–Recent Sale Data of the appeal petition reporting that the subject property was purchased from the owner of record, the parties to the transaction were not related and the property was advertised by sign, internet and/or auction.

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<sup>1</sup> Appellant's counsel failed to complete Section III – Description of Property: descriptive data has been drawn from the property record card evidence provided by the board of review.

The appellant did not disclose how long the property was advertised for sale. To document the transaction, the appellant submitted a copy of the settlement statement and the PTAX-203 Real Estate Transfer Declaration. The settlement statement disclosed the sellers as George C. and Sharon D. Bergland and reflects the purchase price, sale date and that commissions were paid to two realty firms. The transfer declaration revealed that the subject had been advertised for sale. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price at the statutory level of assessments of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$224,183. The subject's assessment reflects a market value of \$672,213 or \$166.10 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum prepared by the St. Charles Township Assessor. The assessor argued the subject's sale in July<sup>2</sup> of 2018 should not be considered as the current assessment cycle considers sales from 2015, 2016 and 2017.

In support of its contention of the correct assessment, the board of review submitted a grid analysis of four comparable sales prepared by the township assessor, along with the property record card of each comparable. The comparables are located within .48 of a mile of from the subject property and have sites ranging in size from approximately 7,501 to 52,355 square feet of land area. The comparables consist of one, one-story dwelling and three, two-story dwellings of frame or brick and frame exterior construction ranging in size from 2,653 to 4,416 square feet of living area. The dwellings were constructed from 1925 to 1986. Comparable #3 has an effective age of 2005. The comparables each feature a basement with three having finished area, central air conditioning, one to four fireplaces and a garage ranging in size from 726 to 1,119 square feet of building area. The comparables sold from June 2016 to February 2018 for prices ranging from \$530,000 to \$795,000 or from \$148.00 to \$233.75 per square foot of living area, including land. Based on this evidence the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel contends the board of review evidence is not responsive nor relevant to the basis of the appeal.

### **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.

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<sup>2</sup> The settlement statement submitted by the appellant disclosed the subject's settlement date as August 10, 2018.

The Board finds the best evidence of market value to be the purchase of the subject property in August 2018 for a price of \$600,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property had been advertised on the open market by sign, internet and/or auction. In further support of the transaction, the appellant submitted a copy of the settlement statement and the PTAX-203 Illinois Real Estate Transfer Declaration associated with the purchase. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board also finds the board of review comparable sales were either distant in location from the subject property, differ in site size, dwelling size, newer in age/effective age and/or are dated sales which would not be indicative of market value as of the January 1, 2018 assessment date. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record, the Board finds a reduction in the subject's assessment is justified commensurate with the appellant's request.

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: August 18, 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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