



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

APPELLANT: Sandra Turek  
DOCKET NO.: 19-01716.001-R-1  
PARCEL NO.: 09-07-276-007

The parties of record before the Property Tax Appeal Board are Sandra Turek, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. in Chicago; 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:** \$29,599  
**IMPR.:** \$119,866  
**TOTAL:** \$149,465

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 2019 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 construction with 3,737 square feet of above grade living area. The dwelling was constructed in 1992. Features of the home include a walk-out basement with finished area, central air conditioning, two fireplaces and a 726 square foot garage.<sup>1</sup> The property has a 53,971 square foot site 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 October 6, 2017 for a price of \$390,000. The appellant identified the sellers as Brian and Alison Shuldberg and reported the parties were not related. The appellant further indicated the property was sold through a Realtor,

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<sup>1</sup> The description of the subject dwelling was supplemented with information from the property record card submitted by the board of review.

was advertised in the Multiple Listing Service (MLS) and had been on the market for 156 days. The appellant also submitted a copy of the settlement statement and the subject's MLS listing to further document the sale. Based on this evidence, the appellant 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 \$149,465. The subject's assessment reflects a market value of \$448,844 or \$121.11 per square foot of living area, land included, when using the 2019 three year average median level of assessment for Kane County of 33.30% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a grid analysis and property record cards on the subject and three comparable sales located within 0.28 of a mile from the subject property. The comparables have sites that range in size from 54,886 to 57,499 square feet of land area and are improved with two-story dwellings of Dryvit or frame and brick exterior construction that range in size from 3,721 to 3,906 square feet of living area. The dwellings were constructed from 1993 to 1998. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces and a garage ranging from 727 to 1,072 square feet of building area. The properties sold from October 2016 to August 2018 for prices ranging from \$490,000 to \$515,000 or from \$125.77 to \$138.40 per square foot of living area, land included.

In addition to comparable sales evidence, the board of review, through the St. Charles Township Assessor, submitted an appraisal of the subject property estimating the subject had a market value of \$460,000 as of September 13, 2017 along with mortgage documents for the subject dated in 2019 and 2020 with lien amounts of \$427,000 and \$428,000, respectively. The township assessor argued that these documents support a higher market value for the subject property than its 2017 purchase price of \$390,000. It further argued that the subject property was vacant at the time of sale and the sellers were highly motivated to sell, thus suggesting the 2017 sale price may not have been a true reflection of market value. Based on this evidence the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's attorney argued the board of review did not refute the arm's length purchase of the subject in October 2017. The attorney included a copy of a 2018 Property Tax Appeal Board decision which lowered the subject's assessment to reflect the subject's purchase price. With respect to the subject's September 2017 appraised value of \$460,000 exceeding the \$390,000 purchase price, the attorney claimed that "bank appraisal typically result in a higher conclusion of value in order to justify the mortgage loan at the time of sale." The attorney then critiqued the board of review comparables stating that they were unadjusted and commented on dates of sale for board of review comparables #2 and #3 as more dated than the subject's October 2017 purchase date.

### **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 appellant submitted documentation of a 2017 sale of the subject property while the board of review submitted three comparable sales and a copy of the subject's appraisal with an effective date of September 13, 2017 for the Board's consideration. The Board gave less weight to the board of review's comparable sale #2 which is dated and less likely to reflect market value as of the January 1, 2019 assessment date.

The Board finds the best evidence of market value in the record to be the board of review's comparables #1 and #3. These two comparables were similar to the subject in location, style, construction, features, age and land area. The comparables sold for prices of \$499,000 and \$515,000 or for \$127.75 and \$138.40 per square foot of living area, including land. The subject's assessment reflects a market value of \$448,844 or \$121.11 per square foot of living area, including land, which is below the two best comparable sales in this record. The Board gave little weight to the subject's sale which had a sale price below the appraised value as an appraisal will typically bracket a sale price as opposed to only using comparable sales above the contract price of the subject property. The board of review raised the issue of the subject's purchase price relative to its appraised value, questioning whether circumstances may have caused the sellers to accept an offer below market value, despite the length of exposure on the open market. Based on this record the Board finds the subject's assessment is supported 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.

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Chairman



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Member



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Member



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Member

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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: November 16, 2021



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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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