



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

APPELLANT: Amy Cara
DOCKET NO.: 19-01717.001-R-1
PARCEL NO.: 14-10-377-009

The parties of record before the Property Tax Appeal Board are Cara Amy, 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 **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: \$26,068
IMPR.: \$52,187
TOTAL: \$78,255

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 1.5-story dwelling of frame and brick exterior construction with 2,860 square feet of living area. The dwelling was constructed in 1981 and is approximately 38 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 545 square foot 2-car garage.¹ The property has an 11,326 square foot site and is located in Sugar Grove, Sugar Grove Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$235,000

¹ The parties differ as to the subject's dwelling size and basement finish. Neither party submitted a sketch to support dwelling size reported. The Board finds the dwelling size reported by the board of review to be most reliable, which was not disputed by the appellant. The Board finds that the basement, described in the appraisal as unfinished, to be most reliable as interior basement photographs appeared to support this description.

as of January 1, 2019. The appraisal was prepared by Garry Nusinow, a certified general real estate appraiser. The intended use of the appraisal was to provide a basis for appeal of assessment placed against the property for ad valorem taxation by the Kane County assessor's Office.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales located within 0.24 of a mile from the subject property. The comparables have sites that range in size from 9,583 to 18,731 square feet of land area and are improved with dwellings of frame and masonry or frame, brick and masonry exterior construction that are described as Dutch Colonial, Cape Cod, Colonial or English in design. The dwellings range in size from 2,048 to 2,682 square feet of living area and range in age from 35 to 40 years old. Each comparable has an unfinished basement, central air conditioning, one or two fireplaces and a 2-car garage. The comparables sold from August 2017 to June 2018 for prices of \$230,000 to \$245,000 or from \$87.62 to \$117.14 per square foot of living area, land included.

After adjusting comparable #3 for seller paid closing credit, the appraiser adjusted the comparables for differences with the subject in dwelling size, basement area, room count and fireplace count. Comparable #4 was also adjusted for superior condition. After adjustments, the appraiser arrived at adjusted prices ranging from \$224,000 to \$250,400 and an indicated value by the sales comparison approach for the subject of \$235,000.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$78,333 which equates to a market value of \$235,000 or \$82.17 per square foot of living area, land included when applying the statutory assessment level of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$89,991. The subject's assessment reflects a market value of \$270,243 or \$94.49 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 three grid analyses and aerial maps depicting the appraisal comparables, three comparable sales and three equity comparables. Since equity comparables are not responsive to the overvaluation argument, they will not be analyzed. The three comparable sales submitted by the board of review are located from within 0.67 of a mile from the subject property. The comparables have sites that range in size from 12,197 to 13,504 square feet of land area and are improved with two-story dwellings of brick, brick and aluminum or brick and vinyl exterior construction that range in size from 2,711 to 3,001 square feet of living area. The homes were built from 1986 to 1995. Each comparable has a basement, one with finished area, one fireplace and a garage ranging in size from 441 to 768 square feet of building area. The comparables sold from June 2017 to November 2018 for prices of \$293,000 or \$295,000 or from \$97.63 to \$108.82 per square foot of living area, land included.

The board of review also submitted comments from the Sugar Grove Township Assessor critiquing the appraisal comparables as all having smaller dwelling size than the subject. It

argued that the appraiser characterized the subject as being in mostly original condition and claimed that a Multiple Listing Service sheet stated that the subject property had been updated. The assessor commented that repairs to the subject exterior appeared to have been made, claiming photographs dated June 2020 as support. The Board notes that no MLS listing for the subject or photographs were submitted into the record to support the board of review's assertions. Finally, the assessor indicated that the appraisal comparable #2 was an executor's deed which it claimed did not reflect a true market value transaction. After discussing average and median values in the subject's market, the board of review requested the subject's assessment be confirmed.

In rebuttal, the attorney for the appellant submitted a brief and Multiple Listing Service (MLS) sheets on each of the board of review's comparable sales. The attorney argued that the board of review submitted unadjusted raw sales in lieu of a full professional appraisal report and that comparable sales used by the board of review had advertised updates in the MLS sheets which were purportedly superior to the subject property. Interior photographs supporting said updates of the board of review comparable sales were submitted along with color interior photos of the subject for comparison.

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.

With respect to the board of review's argument that the subject property was updated in June 2020 along with the claim that appraisal comparable sale #2 was not a market value transaction, the Board finds that the board of review did not provide any documentation to support these assertions. Additionally, any updates to the subject property in June 2020 would be after the January 1, 2019 assessment date at issue.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appraiser utilized comparable properties generally similar to the subject in location, age and dwelling size and made reasonable adjustments to the comparables for differences from the subject property. The subject's assessment reflects a market value of \$270,243 or \$94.49 per square foot of living area, including land, which is above the appraised value in the record. The Board finds the subject property had a market value of \$235,000 as of the assessment date at issue. Since market value has been established the 2019 three year average median level of assessments for Kane County of 33.30% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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: September 21, 2021



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

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