



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

APPELLANT: Stanley Kusiak  
DOCKET NO.: 19-01720.001-R-1  
PARCEL NO.: 03-08-251-028

The parties of record before the Property Tax Appeal Board are Stanley Kusiak, 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:** \$18,414  
**IMPR.:** \$85,097  
**TOTAL:** \$103,511

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 frame exterior construction with 3,046 square feet of living area. The dwelling was constructed in approximately 2002. Features of the home include a basement with finished area, central air conditioning, a fireplace and a 592 square foot garage.<sup>1</sup> The property has a 7,841 square foot site and is located in Carpentersville, Dundee 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 \$282,500 as of January 1, 2019. The appraisal was prepared by Garry Nusinow, a certified general real estate appraiser.

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<sup>1</sup> The appraisal describes the subject as having a finished basement. The board of review stated that Assessor's records would be updated to reflect this information.

The intended use of the appraisal report was to “to provide a basis for appeal of assessment placed against the property for ad valorem taxation by the Kane County Assessor’s Office.” Users of the report included the taxpayer of record and other authorized parties. The appraiser indicated that the search for comparables focused on closed sales similar to the subject and located within a one mile radius of the subject property which sold between January 1, 2017 and March 31, 2019 and stated that the selected sales were “most similar to the subject in size, style, design, age, condition, etc.”

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using three comparable sales located from 0.04 to 0.22 of a mile from the subject property. The comparables have sites with either 7,841 or 10,919 square feet of land area and are improved with two-story dwellings described as traditional and of average to average- condition and ranging in size from 2,685 to 3,798 square feet of living area. The homes range in age from 15 to 17 years old. Each comparable has a basement, two with finished area, central air conditioning, one fireplace and a 3-car garage. The comparables sold from September 2017 to February 2018 for prices ranging from \$262,000 to \$294,000 or from \$77.41 to \$105.15 per square foot of living area, land included.

The appraiser adjusted comparable #3 for seller paid concessions. After this adjustment sale conditions, the appraiser adjusted the comparables for differences with the subject in location, view, quality of construction, condition, room count, dwelling size, basement finish and exterior amenities. The appraiser gave comparable #2 a downward adjustment for a deck, however, compared to the subject’s porch, patio and covered deck, the adjustment appears to be incorrect. After adjustments, the appraiser arrived at adjusted prices for the comparables ranging from \$277,500 to \$289,750 and an opinion of market value for the subject of \$282,500.

Based on this evidence, the appellant requested the subject’s assessment be reduced to \$94,167 which equates to a market value of approximately \$282,500 or \$94.74 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$103,511. The subject's assessment reflects a market value of \$310,844 or \$102.05 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 information on four comparable sales located within approximately 0.13 to 0.19 of a mile from the subject property. The comparables have sites that range in size from 7,841 to 9,148 square feet of land area and are improved with two-story dwellings of frame exterior construction that each have 3,265 square feet of living area. The homes were built 2001. Each comparable has a basement, two with finished area, central air conditioning, one fireplace and a 677 square foot garage. The comparables sold from September 2017 to December 2018 for prices ranging from \$315,00 to \$350,000 or from \$96.48 to \$107.20 per square foot of living area, land included.

The board of review, through the Dundee Township Assessor’s Office, submitted comments asserting the subject’s market value per square foot is as reflected by the assessed value is

bracketed by the sale price per square foot of the appraisal comparables. It further stated that appraisal comparables #2 and #3 are a foreclosure and short sale, respectively.

In rebuttal, the appellant's attorney critiqued the board of review's comparable sales evidence, stating that the information represents unadjusted raw sales opposed to the appellant's appraisal comparables which have been adjusted. The appellant's attorney submitted Multiple Listing Service (MLS) sheets for the board of review comparables asserting "all of the Board of Review comparables are superior to the subject in terms of rehabilitation and amenities" asserting that MLS sheet descriptions along with interior photographs submitted highlight superior elements of these comparables. The appellant's attorney argued that the appraiser's opinion of value is objective unlike the board of review, which is advocating for a previously determined assessed value for the subject property.

### **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 an appraisal while the board of review submitted four comparables sales for the Board's consideration. The Board gave less weight to the appraiser's opinion of market value due to comparable sales being somewhat older 2017 sales, compared to the January 1, 2019 assessment date at issue as well as the fact that two of the three comparables were either foreclosure or short sale status. The appellant's attorney did not refute this claim by the board of review.

The Board gave less weight to the board of review comparable #1 which sold in 2017 a date less proximate to the January 1, 2019 assessment date at issue. The Board also gave less weight to the board of review's comparable #3, which based on MLS information provided by the appellant, appeared to have superior updating relative to the subject.

The Board finds the best evidence of market value to be board of review comparables #2 and #4 which are similar to the subject in location, age, dwelling size and some features, one of which has an unfinished basement compared to the subject's finished basement suggesting an upward adjustment would be necessary to make them more equivalent to the subject. These two best comparables sold in January and October 2018 for prices of \$347,000 and \$350,000 or for \$106.28 and \$107.20 per square foot of living area, land included. The subject's assessment reflects a market value of \$310,844 or \$102.05 per square foot of living area, land included which falls below the two best comparables in in the 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 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: July 20, 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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