



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

APPELLANT: Terry Pappas
DOCKET NO.: 19-01881.001-R-1
PARCEL NO.: 06-19-428-005

The parties of record before the Property Tax Appeal Board are Terry Pappas, the appellant, by attorney George J. Relias of Relias Law Group, 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: \$28,415
IMPR.: \$98,476
TOTAL: \$126,891

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 construction with 4,486 square feet of living area. The dwelling was built in 2006. Features of the home include a full unfinished basement, central air conditioning, one fireplace and an attached three-car garage with 797 square feet of building area. The property has a 10,000 square foot site and is located in Elgin, Elgin 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 \$342,000 as of January 1, 2019. The appraisal was prepared by James Swerdon, a certified residential real estate appraiser. The purpose of the appraisal was to estimate the market value of the property, as improved, in unencumbered fee simple title ownership. The appraiser described the home as being 13 years old with an effective age of 20 years. He explained in the report that there were

clear signs of neglect and deferred maintenance issues at the time of his inspection. Issues noted by the appraiser included holes in walls, badly worn carpeting throughout, stains on the ceilings, and the second-floor balcony was a clear safety hazard. The appraiser noted no functional or external inadequacies.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using three comparable sales improved with two-story dwellings that range in size from 4,106 to 4,656 square feet of living area. The homes are either 12 or 13 years old. Each comparable has a full basement with one having finished area, central air conditioning and a three-car garage. The properties have sites ranging in size from 11,761 to 31,293 square feet of land area. Each comparable is located in Elgin from 1.28 to 1.45 miles from the subject property. The appraiser stated that due to lack of sales, he had no choice but to expand the geographical search parameters beyond the normal 1-mile radius in order to locate and use the best and most recent sales available. The comparables sold from August 2016 to April 2018 for prices ranging from \$330,750 to \$400,000 or from \$79.95 to \$85.91 per square foot of living area, including land. The appraiser adjusted the comparables for differences from the subject to arrive at adjusted prices ranging from \$341,313 to \$349,400. The appraiser arrived at an estimated market value of \$342,000 as of the assessment date. Based on this evidence the appellant requested the subject's assessment be reduced to \$114,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$126,891. The subject's assessment reflects a market value of \$381,054 or \$84.94 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 eight comparable sales identified by the township assessor improved with two-story or part one-story and part two-story dwellings of frame or frame and brick trim construction that range in size from 3,672 to 4,719 square feet of living area. The homes were built from 2005 to 2007. Each comparable has a basement with four having finished area, central air conditioning, one fireplace, and an attached garage ranging in size from 524 to 912 square feet of building area. The comparables are located in Elgin from .12 to 1.11 miles from the subject property with sites ranging in size from 10,000 to 35,282 square feet of land area. The assessor stated that each comparable is located within the same subdivision as the subject property. The sales occurred from May 2016 to June 2019 for prices ranging from \$380,000 to \$449,000 or from \$85.29 to \$103.49 per square foot of living area, including land.

In rebuttal the assessor stated that two of the appellant's appraiser's comparable sales are not located within the same township as the subject property. The assessor also indicated that the subject property was purchased in April 2019 for a price of \$307,500 but stated the sale of the subject property and appellant's appraiser's comparable sales #2 and #3 were auction sales, subject to a buyer's premium, which drives the prices down.

The board of review contends the evidence provided by the township assessor supports confirmation of the assessment.

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 Board finds the best evidence of market value to be board of review comparable sales #1 through #4. These four comparables are similar to the subject in location, age, style, size, and features. The sales occurred in 2018 and 2019 for prices ranging from \$382,500 to \$425,000 or from \$85.29 to \$102.73 per square foot of living area, including land. The subject's assessment reflects a market value of \$381,054 or \$84.94 per square foot of living area, including land, which is below the range established by the best comparable sales in the record, but appears justified due to condition issues. Less weight was given board of review sales #5 through #8 due to three of the sales occurring in 2016, not proximate in time to the assessment date at issue, and comparable #7 is significantly smaller than the subject dwelling. Less weight was given the appellant's appraisal due to the fact two of the sales occurred in 2016, not proximate in time to the assessment date, and the fact the comparables were not as similar to the subject in location as are the best comparables provided by the board of review. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct 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.



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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Terry Pappas, by attorney:
George J. Relias
Relias Law Group, Ltd.
150 South Wacker Drive
Suite 1600
Chicago, IL 60606

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134