



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

APPELLANT: TDK Realty, LLC  
DOCKET NO.: 19-01883.001-R-1  
PARCEL NO.: 06-10-156-004

The parties of record before the Property Tax Appeal Board are TDK Realty, LLC, 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:** \$18,099  
**IMPR.:** \$41,794  
**TOTAL:** \$59,893

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 one-story dwelling of frame exterior construction with 1,196 square feet of living area. The dwelling was constructed in 1962. Features of the home include a full finished basement, central air conditioning and a 364 square foot garage. The property has a 10,906 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 information on four comparable sales. Two comparables are located in the same neighborhood/subdivision as the subject and two comparables are .5 and .8 miles from the subject, respectively. The parcels range in size from 8,712 to 13,200 square feet of land area and are each improved with a one-story dwelling of frame, brick or frame and brick exterior construction. The homes were built in either 1957 or 1961 and range in size from 1,144 to 1,266 square feet of living area. Each comparable has a full basement, three of which have finished

areas. The dwellings have central air conditioning and two comparables have at least one fireplace each. Each comparable has a garage ranging in size from 280 to 520 square feet of building area. The comparables sold from December 2017 to April 2019 for prices ranging from \$138,000 to \$175,000 or from \$116.95 to \$140.91 per square foot of living area, including land.

Based on this evidence, the appellant requested a total reduced assessment of \$52,162 which would reflect a market value of approximately \$156,486 or \$130.84 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$59,893. The subject's assessment reflects a market value of \$179,859 or \$150.38 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 response to the appellant's evidence, the board of review contended that only two of the appellant's comparable properties were located within the subject's subdivision. In addition, in a memorandum prepared by the township assessor's office, it was argued that appellant's sale #1 was contracted within one day; sale #2 was an estate sale which was sold in as-is condition; sale #3 had a sale price greater than its estimated market value based on its 2019 assessment; and sale #4 was contracted within eight days and was noted as needing "some TLC."

In support of its contention of the correct assessment, the board of review submitted information gathered by the assessor on eleven comparable sales located within the same subdivision as the subject. Board of review comparable #1 is the same property as appellant's sale #1 that was criticized by the assessor for being contracted within one day. The comparables are located from .05 to .29 of a mile from the subject. Only three of the comparables have reported lot sizes despite that this is a market value appeal. The comparables consist of one-story frame dwellings that were built between 1960 and 1965. The homes range in size from 1,032 to 1,266 square feet of living area. Each comparable has a full basement, seven of which have finished areas. Ten of the dwellings have central air conditioning and three comparables each have a fireplace. Each comparable has a garage ranging in size from 264 to 582 square feet of building area where comparable #5 has a heated garage. The comparables sold from June 2016 to September 2018 for prices ranging from \$165,000 to \$234,000 or from \$140.91 to \$208.93 per square foot of living area, including land. Based on this evidence and argument, the board of review requested confirmation of the subject's 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 parties submitted a total of fourteen comparable sales, with one common property, to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #1/board of review comparable #1, appellant's comparables #2 and #4 along with board of review comparables #2, #3 and #4 due to differences in location and/or date of sale being in 2016 or 2017, which are dated sales as compared to other sales in the record for a value as of January 1, 2019. The Board gave reduced weight to board of review comparables #8 and #10 which each lack basement finish and one of which lacks central air conditioning which are each features of the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sale #3 along with board of review comparable sales #5, #6, #7, #9 and #11. These comparables are each located within the same subdivision as the subject and present varying degrees of similarity to the subject in age, design, exterior construction, foundation, finished basement and/or garage size. These most similar comparables sold between April and November 2018 for prices ranging from \$145,000 to \$205,000 or from \$126.75 to \$184.11 per square foot of living area, including land. The subject's assessment reflects a market value of \$179,859 or \$150.38 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence and after considering adjustments to the best comparables in the record 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

AGENCY

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APPELLANT

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