



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

APPELLANT: Forest Brothers LLC  
DOCKET NO.: 19-02308.001-R-1  
PARCEL NO.: 15-35-301-001

The parties of record before the Property Tax Appeal Board are Forest Brothers LLC, the appellant, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. 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:** \$9,700  
**IMPR.:** \$40,300  
**TOTAL:** \$50,000

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 construction with 1,716 square feet of living area. The home was constructed in 1952 and has a slab foundation. Other features include central air conditioning, a fireplace and a 576 square foot garage. The property has a 14,375 square foot site and is located in Montgomery, Aurora Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted limited evidence disclosing the subject property was purchased on September 8, 2016 for a price of \$85,991. The appellant partially completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold by the Secretary of Housing & Urban Development of Washington D.C. and the property had been advertised with the Multiple Listing Service (MLS) for an unknown length of time. In further support of the transaction the appellant submitted a copy of the Special Warranty Deed, PTAX-

203 Illinois Real Estate Transfer Declaration, the Owner's Policy of Title Insurance and the sales contract. Based on this evidence the appellant requested that the subject's assessment be reduced to \$28,660.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,867. The subject's assessment reflects a market value of \$161,763 or \$94.27 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 three comparable properties that are located from .08 to .23 of a mile from the subject. The comparables have sites of unknown sizes that are improved with one-story dwellings of frame construction containing from 1,128 to 1,628 square feet of living area. The homes were built between 1952 and 1958. Two comparables have central air conditioning, each comparable has a fireplace and each comparable has a garage ranging in size from 294 to 624 square feet of building area. The comparables sold from February 2017 to July 2018 for prices of either \$155,000 or \$157,000 or from \$95.21 to \$139.18 per square foot of living area, including land.

As to the subject's sale, the board of review argued the sale occurred in 2016 and was transferred by a Special Warranty Deed. Furthermore, the subject's market area has demonstrated an increase, since its last quadrennial assessment period, which is supported by the more recent board of review's comparable sales. Based on this evidence 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 evidence in the record supports a reduction in the subject's assessment.

The Board finds the best evidence of market value in the record to be the comparable sales submitted by the board of review. These comparables are located in close proximity to the subject, are comparable in many aspects to the subject and also sold more proximate in time to the assessment date at issue. The comparables sold for prices of \$155,000 or \$157,000 or from \$95.21 to \$139.18 per square foot of living area, including land. The subject's assessment reflects a market value of \$161,763 or \$94.27 per square foot of living area, including land, which is above the range established by the comparable sales in this record on a total market value basis but slightly below on a per square foot basis. After considering adjustments to the board of review's comparables for differences when compared to the subject, the Board finds the subject's assessment is not supported. The Board gave little weight to the subject's sale, however, due to the fact the sale did not occur proximate in time to the assessment date at issue. Based on this record, the Board finds the subject's estimated market value as reflected by its assessment is slightly excessive and a reduction in the subject's assessment is 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: 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

AGENCY

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