



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

APPELLANT: Don Nichols
DOCKET NO.: 19-02333.001-R-1
PARCEL NO.: 09-13-477-014

The parties of record before the Property Tax Appeal Board are Don Nichols, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry; 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: \$64,271
IMPR.: \$110,712
TOTAL: \$174,983

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 brick exterior construction with 4,364 square feet of living area. The dwelling was constructed in approximately 1990. Features of the home include a basement with finished area, central air conditioning, three fireplaces and a three-car garage. The property has a 21,218 square foot site which has a golf course view and is located in St. Charles, St. Charles Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on May 2, 2018 for a price of \$370,000. The appellant completed Section IV – Recent Sale Data disclosing the transaction was not between family members or related corporations, that the subject was sold with the assistance of a Realtor and that the property was advertised in the Multiple Listing Service (MLS) for a period of 43 days. The appellant submitted the subject's MLS listing sheet

describing the seller as “motivated,” the property as being sold in “as is” condition and advertised the property to be in need of painting and carpet. The settlement statement submitted by the appellant reported commissions were paid to real estate agents. The appellant submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration which disclosed the property was transferred via warranty deed and that the subject had been listed on the open market. The appellant also provided a copy of the purchase contract. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$174,983. The subject's assessment reflects a market value of \$525,474 or \$120.41 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 located within 0.89 of a mile from the subject property and all in the same assessment neighborhood code as the subject property. The comparables have sites that range in size from approximately 12,023 to 46,871 square feet of land area, three of which are located on the subdivision golf course. The comparables are improved with a 1.5-story and seven, two-story dwellings of brick, stucco and brick or frame and brick exterior construction that range in size from 3,642 to 4,538 square foot of living area. The homes were built from 1988 to 1998. Each comparable has a basement, six with finished area, central air conditioning, one to four fireplaces and a garage ranging in size from 682 to 1,073 square feet of building area. Comparable #7 has a three season porch feature. The comparables sold from January 2017 to June 2019 for prices ranging from \$515,000 to \$759,000 or from \$121.20 to \$183.07 per square foot of living area, land included. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant's attorney reiterated elements of the subject's May 2018 purchase by the appellant. The attorney addressed the legal definition of a Deed-in-Lieu of Foreclosure, indicating that the board of review incorrectly assumed this type of deed transaction for the subject's purchase. The appellant's attorney argues that the board of review erroneously cited a legal ruling that did not deal with a sale, a foreclosure or a deed-in-lieu of foreclosure.

The attorney requested that PTAB take into account appropriate adjustments to the board of review's comparables “in regards to the superior qualities of the KCBOR's comparables compared to the subject as indicated below.” The Board finds that no descriptions of the board of review comparables were submitted along with the appellant's rebuttal evidence.

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 evidence of a 2018 purchase of the subject property while the board of review submitted eight comparable sales for the Board's consideration. The Board gave less weight to the subject's 2018 sale which, based on its sale price per square foot, appears to be an outlier when compared to other sales in the record. The Board gave less weight to the board of review's comparables #1, #6 and #7 which sold in 2017 and are less proximate in time to the January 1, 2019 assessment date at issue than other comparables in the record. The Board also gave reduced weight to the board of review comparables #3 and #8 which differ from the subject in their unfinished basements and/or dissimilar site sizes.

The Board finds the best evidence of market value in the record to be the remaining comparable sales submitted by the board of review. These comparables were similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold from May to September 2018 for prices ranging from \$515,000 to \$759,000 or from \$122.95 to \$183.07 per square foot of living area, including land. The subject's assessment reflects a market value of \$525,474 or \$120.41 per square foot of living area, including land, which falls within the range on an overall basis and below the range on a per square foot basis as established by the best comparable sales in this record. After considering adjustments to the comparables for differences with the subject, the Board finds the subject's assessment is reflective of market value 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

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