



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

APPELLANT: Jacqueline Cobb & William Larsen
DOCKET NO.: 20-05563.001-R-1
PARCEL NO.: 09-07-177-007

The parties of record before the Property Tax Appeal Board are Jacqueline Cobb & William Larsen, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$43,122
IMPR.: \$162,413
TOTAL: \$205,535

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2020 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 1.5-story dwelling of frame exterior construction with 5,172 square feet of living area. The dwelling was constructed in 1993. Features of the home include a walk-out basement with finished area, central air conditioning, two fireplaces and a 1,492 square foot 6-car garage. The property has a 93,703 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellants submitted evidence disclosing the subject property was purchased on May 3, 2019 for a price of \$605,000. The appellants completed Section IV – Recent Sale Data Disclosing the transaction was not between family members or related corporations, that the subject was sold with help from a Realtor and was advertised in the Multiple Listing Service (MLS). The appellants submitted a copy of the settlement statement which reported

commissions were paid to real estate agents and the PTAX-203 Illinois Real Estate Transfer Declaration which reiterated the sale date, price and reported a transfer via trustee deed. Based on this evidence, the appellants requested the subject's assessment be reduced to reflect the sale price.

The subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 2019-02472.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$201,465 based on the evidence. In its submission, the board of review reported that 2019 was the beginning of the subject's general assessment cycle.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$238,023. The subject's assessment reflects a market value of \$714,355 or \$138.12 per square foot of living area, land included when applying the 2020 three year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue. The board of review disclosed that an equalization factor of 1.0202 was applied for the 2020 tax year in St. Charles Township.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales located from 0.32 of a mile to 2.59 miles from the subject property. The comparables have varying degrees of similarity to the subject in location, age, dwelling size and features and sold from June 2018 to April 2020 for prices ranging from \$525,000 to \$875,000 or from \$148.49 to \$202.17 per square foot of living area, land included.

In its Notes on Appeal, the board of review offered to stipulate to a total assessment of \$226,758 for the subject. Comments in the document state that "Tim Sullivan with BOR suggested the 2019 PTAB be lowered to \$222,268. If we applied the 1.0202 factor, we get the above figure." However, based on the evidence presented, the board of review requested the subject's assessment of \$238,023 be confirmed.

In rebuttal, the appellants' attorney indicated the appellants rejected the board of review's offer to stipulate. Counsel argued that the board of review did not dispute the recent sale of the subject property nor did it present any evidence indicating the sale was invalid. Counsel contended that the board of review's comparable sales evidence was neither responsive nor relevant to the basis of the appellants' appeal and should therefore, be given no weight. Counsel argued that the recent sale price of the subject property was the best evidence of fair market value.

Conclusion of Law

The appellants contend 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) [emphasis added] The Board finds the evidence of record indicates that a reduction in the subject's assessment is warranted.

As an initial matter, the Board finds that the basis of the appellants' appeal is overvaluation or a market value argument with a recent sale of the subject property submitted as evidence to support the overvaluation claim. The Board further finds that comparable market value sales evidence is responsive and relevant to the overvaluation argument as potentially "opposing or contradictory" market value data and, therefore, the board of review's comparable sales shall be considered.

The Property Tax Appeal Board further finds that the subject property was the subject matter of an appeal before this Board for a prior tax year under Docket Number 2019-02472.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$201,465. The Property Tax Appeal Board takes notice that St. Charles Township's general assessment period began in the 2019 tax year and continues through the 2022 tax year. The Board also finds this record shows that a 1.0202 equalization factor was issued in St. Charles Township for the 2020 tax year. The Board further finds section 16-185 of the Property Tax Code is controlling in this appeal (35 ILCS 200/16-185).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds the subject property is an owner-occupied residence and that the 2019 and 2020 tax years are within the same general assessment period for St. Charles Township. The record contains no evidence showing the subject property sold in an arm's length transaction establishing a different fair cash value. For these reasons, the Property Tax Appeal Board finds that the prior year's decision should be carried forward to the 2020 tax year pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) and a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision plus the application of the 2020 equalization factor of 1.0202. ($\$201,465 \times 1.0202 = \$205,535$).

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: January 18, 2022



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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