



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

APPELLANT: Adam Bauer
DOCKET NO.: 20-05575.001-R-1
PARCEL NO.: 11-12-178-004

The parties of record before the Property Tax Appeal Board are Adam Bauer, the appellant, 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: \$32,519
IMPR.: \$90,802
TOTAL: \$123,321

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 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 two-story dwelling of brick and vinyl siding exterior construction with 2,626 square feet of living area.¹ The dwelling was constructed in 2000. Features of the home include a basement with finished area, central air conditioning, a fireplace, and a two-car garage. The property has a 11,050 square foot site and is located in Geneva, Blackberry 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 in June 2019 for a price of \$370,000. The appellant reported that the seller was Lee Anne Wigdahl Trust, the parties to the

¹ The board of review failed to provide a copy of the subject's property record card as required by the Property Tax Appeal Board's procedural rules (86 Ill.Admin.Code §1910.40(a)). Details of the property have been drawn from the Multiple Listing Service (MLS) listing sheet submitted by the appellant which was not refuted by the board of review.

transaction were not related, and the property was sold through a realtor. The appellant also indicated the property was advertised for sale through the Multiple Listing Service. The MLS listing sheet also depicted that the subject had an original asking price of \$395,000. In further support of the appeal, the appellant submitted a copy of the MLS listing sheet and the settlement statement which lists the sale price of \$370,000, a sale date of June 2019, and depicts broker's fees being distributed to Broker Solutions, Inc. The appellant also submitted a brief arguing that the recent sale of a property is the best indicator of value and that the subject's 2019 sale was an arm's length transaction. 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 \$125,158. The subject's assessment reflects a market value of \$375,624 or \$143.04 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review stated that the subject sold in June 2019 for \$370,000 and the board of review lowered the assessment to \$125,158, which the board of review argued was reflective of the subject's recent sale plus the application of an equalization factor of 1.0149. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the application of an equalization factor was inappropriate as the factor was included in the assessment being appealed.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best and only evidence of market value in the record to be the purchase of the subject property in June 2019 for a price of \$370,000. The appellant set forth evidence asserting the sale had the elements of an arm's length transaction and the assessing officials agreed that the sale was an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a realtor, and that the property had been advertised on the open market through the Multiple Listing Service. The original asking price for the property was \$395,000 and in further support of the transaction, the appellant submitted a copy of the settlement statement associated with the sale of the subject property which reiterated the purchase price, date of sale, and depicted broker's fees being distributed.

The Illinois Supreme Court has held that a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on

the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967). The Board finds the purchase price of \$370,000 is below the market value reflected by the assessment of \$375,624, land included.

The Board further finds that the board of review agreed that the June 2019 sale was an arm's length transaction and determined the purchase price was sufficient to reduce the subject's assessment to reflect that transaction plus the 2020 township equalization factor. However, the Property Tax Appeal Board finds the argument by the board of review that the subject's 2019 sale price should be increased due to the equalization factor of 1.0149 is unsupported and unpersuasive.

First, the Board finds that the Kane County Board of Review did not present any substantive evidence of subsequent events that occurred which would cause a change in the subject's market value from its June 2019 purchase price. Second, the board of review did not present any evidence of market value, such as comparable sales, in support of the subject's assessment in order to establish that the sale price was no longer the best evidence of the subject's market value.

Finally, the Board takes judicial notice of the purpose of equalization factors as set forth in the Illinois Department of Revenue publication, PTAX-1004, The Illinois Property Tax System, page 17, concerning how uniformity in assessments is achieved by applying equalization factors:

The assessment/sales ratio study shows **whether or not assessments within a given area actually average 33 1/3 percent of market value**. If the results of the study indicate that assessments are either higher or lower than 33 1/3 percent, a blanket percentage increase or decrease, called an "equalization factor" or "multiplier" is calculated and applied to all non-farm property to bring the level of assessment to 33 1/3 percent. The application of this uniform percentage increase or decrease to assessed values is called "equalization." [Emphasis added.]

Here, where the subject's sale occurred less than a year from the assessment date at issue of January 1, 2020 and in the absence of other market value evidence suggesting that the sale price was no longer reflective of market value, based on this record, the Property Tax Appeal Board finds that the subject's 2020 assessment is not reflective of market value. In conclusion, as the appellant has established that the subject property is overvalued based upon its assessment, a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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:

April 18, 2023



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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