



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

APPELLANT: Mikyle Jessen 38 West Partners
DOCKET NO.: 21-05608.001-R-1
PARCEL NO.: 06-13-183-014

The parties of record before the Property Tax Appeal Board are Mikyle Jessen 38 West Partners, 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 **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: \$12,246
IMPR.: \$68,976
TOTAL: \$81,222

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 2021 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 part one-story and part two-story apartment building of frame exterior construction with 2,856 square feet of living area and four apartments. The building has a basement and a 360 square foot garage. The building was constructed in 1920. The property has an 8,712 square foot site and is located in Elgin, Elgin 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 January 2020 for a price of \$200,000. The appellant reported that the seller was the David E. Camic Trust, the parties to the 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 for a period of 49 days. In further support of the appeal, the appellant submitted a copy of the Multiple Listing Service sheet, the PTAX-203 Real Estate Transfer Declaration, and settlement statement

which list the sale price of \$200,000, a settlement date of January 7, 2020, and depict commissions being distributed to Century 21, Coldwell Banker and ReMax. 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 \$81,222. The subject's assessment reflects a market value of \$243,690 or \$85.33 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Kane County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a memorandum prepared by the Elgin Township Assessor and information on three comparable sales. The memorandum argued that the subject was sold as-is in 2020, and that since the purchase the building has been significantly updated with a new heating system, flooring, and interior remodeling, resulting in increased rents. The Assessor submitted Multiple Listing Service sheets indicating that the subject was listed in September 2020 for \$319,000 and again in August 2021 for \$389,997.

The comparables consist of part one-story and part two-story or two-story apartment buildings of frame exterior construction ranging in size from 2,264 to 2,748 square feet of living area, each with four apartments and located within .58 of a mile of the subject. The buildings were built in 1900 or 1903. Each building has a basement and two comparables each have a garage containing either 360 or 600 square feet of building area. The parcels range in size from 4,732 to 9,999 square feet of land area. The comparables sold from December 2018 to October 2020 for prices ranging from \$254,000 to \$310,000 or from \$109.67 to \$117.05 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the board of review did not challenge the arm's length nature of the subject's purchase and therefore the board of review's evidence should not be considered.

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 Board gave diminished weight to the subject's January 2020 sale price. The Board finds the sale price does not reflect the updated condition of the subject property as of the January 1, 2021 assessment date. The Board finds the record is unrefuted that the subject dwelling was updated with a new heating system, flooring, and interior remodeling after its January 2020 sale.

The Board finds the best evidence of market value in the record to be the board of review comparable sales, which are similar to the subject in age, location, size, and design, with the most weight being given to comparable #1 which sold more proximate in time to the January 1, 2021 assessment date. The comparables sold from December 2018 to October 2020 for prices ranging from \$254,000 to \$310,000 or from \$109.67 to \$117.05 per square foot of living area, including land. The subject's assessment reflects a market value of \$243,690 or \$85.33 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. Based on this record 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 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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