



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

APPELLANT: DM MIM I, LLC
DOCKET NO.: 21-06380.001-R-1
PARCEL NO.: 02-01-351-010

The parties of record before the Property Tax Appeal Board are DM MIM I, LLC, the appellant, by attorney Peter D. Verros, of Verros Berkshire, PC in Oakbrook Terrace, and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$10,701
IMPR.: \$77,846
TOTAL: \$88,547

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kendall 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 is improved with a two-story dwelling of frame construction containing 2,320 square feet of living area. The dwelling was built in 2002 and is approximately 19 years old. Features of the home include a full basement with finished area, central air conditioning, one fireplace, and an attached two-car garage with 567 square feet of building area. The property has a 9,912 square foot site located in Montgomery, Bristol Township, Kendall County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales improved with two-story dwellings that range in size from 1,700 to 2,927 square feet of living area. The dwellings range in age from 15 to 19 years old. Two comparables have basements with finished area, each comparable has central air conditioning, one comparable has a fireplace, and each comparable has a two-car attached garage ranging in size from 400 to 438 square feet of building area. These properties

have sites ranging in size from 4,909 to 10,531 square feet of land area and are located along the same street and within the same block as the subject property. The sales occurred from March 2019 to October 2020 for prices ranging from \$184,900 to \$286,000 or from \$97.71 to \$108.76 per square foot of living area, including land. The appellant requested the subject's total assessment be reduced to \$79,976.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$88,547. The subject's assessment reflects a market value of \$265,508 or \$114.44 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Kendall County of 33.35% as determined by the Illinois Department of Revenue.

In rebuttal the board of review argued that no weight should be given appellant's comparable sales #1 and #2 as they sold in 2019 and would not be relevant to a 2021 valuation. The board of review also stated that appellant's comparable sale #2 was ½ of a duplex whereas the subject property is a single-family home.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two-story dwellings of frame construction that range in size from 2,219 to 2,339 square feet of living area. Each dwelling is 18 years old. Each comparable has a basement with one having finished area, central air conditioning and an attached two-car garage with 506 square feet of building area. One comparable has one fireplace. These properties have sites ranging in size from 8,444 to 8,987 square feet of land area. The comparables are in the same subdivision as the subject property and within ½ mile of the subject. The sales occurred from April 2020 to November 2020 for prices ranging from \$259,000 to \$279,900 or from \$111.16 to \$126.14 per square foot of living area, including land. As documentation the board of review submitted copies of the property record cards for the subject property and its comparables as well as a map depicting the location of the subject property and the comparables.

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 finds the best evidence of market value to the board of review comparable sales as these properties sold most proximate in time to the assessment date at issue as well as being similar to the subject in location, land area, style, dwelling size, and most features with the exception three lack a fireplace and three lack finished basement area, amenities the subject has. These comparables sold for prices ranging from \$259,000 to \$279,900 or from \$111.16 to \$126.14 per square foot of living area, including land. The subject's assessment reflects a market value of \$265,508 or \$114.44 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Less weight is given the

appellant's comparable sales for such reasons as comparable sales #1 and #2 did not occur as proximate in time to the assessment date at issue as did the board of review comparable sales; comparable #2 was ½ of a duplex unlike the subject's single-family dwelling as well as being significantly smaller than the subject dwelling; and comparable #3 was significantly larger than the subject home. Based on this evidence the Board finds the assessment of the subject property as established by the board of review is correct 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: January 16, 2024



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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APPELLANT

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