



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

APPELLANT: Jaroslaw Adamkiewicz
DOCKET NO.: 23-03809.001-R-1
PARCEL NO.: 09-05-257-004

The parties of record before the Property Tax Appeal Board are Jaroslaw Adamkiewicz, the appellant, by attorney Kevin Fanning, of Fanning Law, LLC in Chicago; 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: \$26,664
IMPR.: \$136,638
TOTAL: \$163,302

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 2023 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 2-story dwelling of vinyl and brick exterior construction with 3,152 square feet of living area. The dwelling was constructed in 2002. Features of the home include a basement with finished area, central air conditioning, a fireplace, 2.5 bathrooms, and a 676 square foot garage. The property has a 9,970 square foot site and is located in South Elgin, 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 September 10, 2020 for a price of \$382,000. The appellant completed Section IV of the appeal petition disclosing the sale was not between related parties, the property sold using a realtor and was advertised for sale through the Multiple Listing Service for 2 months, and the sale was not due to foreclosure or by

contract for deed. In support of the sale, the appellant submitted copies of a Warranty Deed and a settlement statement disclosing payment of realtors' commissions.

The appellant also submitted information on five comparable sales located within 0.76 of a mile from the subject. The parcels range in size from 9,794 to 12,827 square feet of land area and are improved with 2-story homes of frame exterior construction ranging in size from 3,263 to 3,569 square feet of living area. The dwellings were built from 2000 to 2002. Two homes each have a basement with finished area. Each home has central air conditioning, a fireplace, 2.5 or 3.5 bathrooms, and a garage ranging in size from 445 to 764 square feet of building area. The comparables sold from August 2020 to July 2021 for prices ranging from \$400,000 to \$450,000 or from \$113.96 to \$132.55 per square foot of living area, land included.

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 \$163,302. The subject's assessment reflects a market value of \$489,955 or \$155.44 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.¹ In support of its contention of the correct assessment the board of review submitted information on five comparable sales located within 0.77 of a mile from the subject. The parcels range in size from 10,411 to 11,761 square feet of land area and are improved with 2-story homes of vinyl and brick exterior construction ranging in size from 2,862 to 3,267 square feet of living area. The dwellings were built from 1999 to 2002. Each home has a basement with finished area, central air conditioning, a fireplace, from 2.5 to 4 bathrooms, and a garage ranging in size from 508 to 819 square feet of building area. The comparables sold from April to November 2022 for prices ranging from \$515,000 to \$559,000 or from \$169.46 to \$193.43 per square foot of living area, including land. The board of review noted the appellant presented older sales and prices have increased since 2020. Based on this evidence, the board of review requested the subject's assessment be sustained.

In written rebuttal, the appellant argued the board of review did not challenge the arm's length nature of the subject's sale and that this sale is the best evidence of the subject's market value. The appellant asserted the Illinois Department of Revenue uses a three year average to determine its multipliers so sales within that time period should 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. Adm. Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or

¹ Section 1910.50(c)(1) of the Board's procedural rules provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill. Adm. Code § 1910.50(c)(1). As of the development of this Final Administrative Decision, the Department of Revenue has not published figures for tax year 2023.

construction costs. 86 Ill.Adm.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 record contains evidence of a September 2020 sale of the subject and ten comparable sales for the Board's consideration. The Board gives less weight to the subject's sale due to the fact the sale did not occur proximate in time to the assessment date at issue. The Board also gives less weight to the appellant's comparables, which sold less proximate in time to the assessment date than the other sales in this record.

The Board finds the best evidence of market value in the record to be the board of review's comparables, which sold more proximate in time to the assessment date and are more similar to the subject in dwelling size, age, location, site size, and most features, although three homes have more bathrooms than the subject, suggesting downward adjustments to these comparables would be needed to make them more equivalent to the subject. These comparables sold for prices ranging from \$515,000 to \$559,000 or from \$169.46 to \$193.43 per square foot of living area, including land. The subject's assessment reflects a market value of \$489,955 or \$155.44 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 and after considering appropriate adjustments to the best comparables for differences from 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: _____

November 19, 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

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