FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: James Kahn
DOCKET NO.: 25-03088.001-R-1
PARCEL NO.: 09-23-176-003

The parties of record before the Property Tax Appeal Board are James Kahn, the appellant, by attorney Michael Elliott of Elliott & Associates Attorneys, PLLC in Des Plaines; 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:	$138,611
IMPR.:	$336,278
TOTAL:	$474,889

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2025 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 stone and stucco exterior construction with 5,670 square feet of living area. The dwelling was constructed in 2005. Features of the home include a full basement with finished area, central air conditioning, five full bathrooms, two half bathrooms, five fireplaces, an 818 square foot garage and a hot tub. The property has an approximately 177,725 square foot site located in Wayne, St. Charles Township, Kane County.

The appellant contends the assessment of the subject property as established by the decision of the Property Tax Appeal Board for the 2023 tax year should be carried forward to the 2025 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). The appellant disclosed that 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 23-03333.

In that appeal the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to $391,627 based on an agreement of the parties. The appellant's attorney asserted that tax years 2023 and 2025 are within the same general assessment period. The appellant submitted a signed affidavit stating that he owned and occupied the house during 2025. Based on this evidence, the appellant requested the subject's total assessment be reduced to $474,888.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of $513,918. The board of review indicated that 2023 was the first year of the general assessment cycle for the subject property. The evidence provided by the board of review further disclosed that a township equalization factor of 1.0853 was applied to all non-farm properties in St. Charles Township for the 2025 tax year.

In response to the appeal, the board of review asserted the subject is not owner occupied and does not qualify for a "rollover." The county submitted a Parcel Information printout for the subject indicating in the notes section that "per letter from James Kahn, removed all exemptions for the 2023 tax year, SPF 12/28/2023."

In support of its contention of the correct assessment the board of review submitted information on four comparable properties that are located from .81 of a mile to 2.52 miles from the subject property, three of which have the same assessment neighborhood code as the subject. The comparables have varying degrees of similarity when compared to the subject in site size, dwelling size, design, age and features. The comparables sold from April 2022 to April 2025 for prices ranging from $1,255,000 to $2,300,000 or from $281.64 to $348.48 per square foot of living area, including land.

Based on the foregoing argument, the board of review requested confirmation of the subject's assessment.

In rebuttal, appellant's counsel asserted the "taxpayer submitted an affidavit attesting to the fact that subject property is an owner-occupied residence and has not sold in an arms-length transaction after the PTAB decision." Counsel argued that the county's evidence is based on "unadjusted" sales comps. The county also stated that the subject property is not eligible for a rollover and attached a printout that shows the subject property was not receiving a homeowner's exemption. The appellant's counsel contended that the receipt of a homeowner's exemption is not a statutory requirement for eligibility under the PTAB Rollover Rule pursuant to 35 ILCS 200/16-185. Further, counsel contended that PTAB has "consistently held that the absence of a homeowner's exemption, standing alone, is insufficient to deny the application of a "rollover" assessment reduction." Counsel cited PTAB decision Docket 21-58875-001-R-1. Based on the foregoing, the appellant requested a rollover of the 2023 PTAB reduced assessment subject only to equalization.

Pursuant to section 1910.90(i) of the rules of the Property Tax Appeal Board, the Property Tax Appeal Board takes official notice that the subject property was the subject matter of appeal

before the Board for the 2024 tax year under Docket No. 24-05095.[1] (86 Ill.Admin.Code §1910.90(i)). In that appeal, the Property Tax Appeal Board issued a decision lowering the total assessment of the subject property to $437,565 pursuant to the application of section 16-185 of the Property Tax Code. The Property Tax Appeal Board also takes notice that general assessment period for St. Charles Township began in 2023 and continues through 2025 and an equalization factor of 1.1173 was applied to all non-farm parcels in St. Charles Township for the 2024 tax year.

Conclusion of Law

The appellant raised a contention of law asserting that the assessment of the subject property as established by the Property Tax Appeal Board for the 2023 tax year should be carried forward to the 2025 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). When a contention of law is raised the burden of proof is a preponderance of the evidence. (See 5 ILCS 100/10-15). While disputed by the assessing officials due to the lack of a general homestead exemption, the Property Tax Appeal Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted on this basis.

The Property Tax Appeal Board finds one of the key elements for the "rollover" provision to be applied is that the subject property must be owner-occupied. The appellant asserted both in the appeal petition and in the rebuttal that the subject property is owned and occupied by the appellant. The board of review solely disputes this assertion due to the lack of a general homestead exemption on the property.

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. [Emphasis added.]

The record disclosed that the Property Tax Appeal Board issued a decision in tax year 2023 reducing the subject's assessment based upon an agreement of the parties. Both in the cover letter for the 2025 tax year appeal and in the Residential Appeal petition, and again in the appellant's signed statement and the subsequent rebuttal filing for tax year 2025, the appellant contends that the property is owner-occupied. To refute this factual assertion, the board of review supplied data that as of tax year 2023 the appellant requested removal of the existing owner-occupied homestead exemption on the subject property.

[1] The Property Tax Appeal Board decisions for the 2024 and 2025 tax years are being issued contemporaneously by the Board.

The Board finds on this record, the preponderance of the evidence indicates that the subject property is an owner-occupied residence in tax year 2025 which is the year at issue in the instant appeal. For these reasons, the Property Tax Appeal Board finds that the appellant met the burden of proof that the subject property was an owner-occupied residence as mandated by the requirements of Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) as of the 2024 tax year.

The Board finds that the subject property was the subject matter of an appeal before the Property Tax Appeal Board for the 2023 tax year under Docket No. 23-03333 in which a decision was issued based upon an agreement by the parties reducing the subject's assessment to $391,627. The record indicates that the subject property is an owner-occupied dwelling. The Board also finds that the 2023 and 2025 tax years are within the same general assessment period and equalization factors of 1.1173 and 1.0853 were applied to all non-farm properties in St. Charles Township in 2024 and 2025, respectively. Furthermore, the decision of the Property Tax Appeal Board for the 2023 tax year has not been reversed or modified upon review and there was no evidence the subject property recently sold as of the January 1, 2025 assessment date in order to establish a different fair cash value. Therefore, applying section 16-185 of the Property Tax Code would result in a reduced total assessment of $474,889, which is less than the 2025 assessment of the subject property of $513,918.

For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the assessment as established in the Board's 2023 decision, plus the applicable equalization factors.

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:

C E R T I F I C A T I O N

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: October 20, 2026

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 9-215 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

James Kahn, by attorney:
Michael Elliott
Elliott & Associates Attorneys, PLLC
1430 Lee Street
Des Plaines, IL 60018

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134