



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

APPELLANT: Jacques Saleh
DOCKET NO.: 12-01245.001-R-1
PARCEL NO.: 02-28-356-003

The parties of record before the Property Tax Appeal Board are Jacques Saleh, the appellant, by attorney James E. Tuneberg, of Guyer & Enichen in Rockford; and the Kane County Board of Review.

Based on the facts and exhibits presented, 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: \$ 21,330
IMPR.: \$ 55,370
TOTAL: \$ 76,700

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 2012 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 brick and vinyl exterior construction with 2,853 square feet of living area. The dwelling was constructed in 2005. Features of the home include a basement, central air conditioning, a

fireplace and a 451 square foot integral garage. The property is located in Pingree Grove, Rutland 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 May 27, 2011 for a price of \$205,000. The appellant indicated on the appeal the parties were not related, the property was sold through a Realtor and the property had been advertised for sale in the multiple listing service. The appellant also submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale and an affidavit asserting that the parcel number on the transfer declaration was incorrectly identified due to a scrivener's error. Also submitted was a copy of the multiple listing sheet describing the transaction as a "short sale" and further indicated the property was listed for sale on 12/24/2010, taken off the market on 12/24/2010 and closed on 05/27/2011. Based on this evidence, the appellant requested the subject's assessment be reduced to \$68,333.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$81,796. The subject's assessment reflects a market value of \$245,265 or \$86.88 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. The comparables were improved with two-story dwellings ranging in size from 2,820 to 3,076 square feet of living area. The comparables were constructed from 2005 to 2011. Each comparable had a basement, three comparables had central air conditioning, three comparables each had a fireplace and each comparable had a 451 square foot integral garage. The sales occurred from March 2010 to September 2011 for prices ranging from \$225,000 to \$283,018 or from \$73.15 to \$92.90 per square foot of living area, including land.

In rebuttal the appellant argued that the subject's May 2011 sale qualifies as an arm's length transaction and asserted the board of review failed to present any evidence to discredit the sale.

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 market data in this record supports a reduction in the subject's assessment.

The Board finds the appellant presented evidence that the subject sold in May 2011 for a price of \$205,000. The Board finds, however, that the multiple listing sheet submitted by the appellant indicated the property had been listed on the market on 12/24/2010 and taken off the market on the same day, indicating a marketing time of one day. The Board finds the limited marketing time as reflected on the listing sheet calls into question whether the sale had the elements of an arm's length transaction which includes a reasonable time for exposure in the open market. Nevertheless, the purchase price reflects a market value below the assessment and will be given some consideration. The board of review also provided information on five comparable sales. The Board gives less weight to sales #4 and #5 due to the dates of sales not being proximate in time to the assessment date at issue. The Board gives less weight to sales #3 and #4 due to the age of the comparables being newer than the subject dwelling. Additionally, comparing the ages of comparables #3 and #4 to their dates of sale indicates these properties were new at the time of their respective sales. The best comparables sales submitted by the board of review were comparables #1 and #2. These two comparables were relatively similar to the subject dwelling in age, size and features. These comparables sold in September 2011 and June 2011 for prices of \$235,500 and \$225,000 or \$82.54 and \$73.15 per square foot of living area, including land, respectively. Each of these prices is below the market value reflected by the subject's assessment of \$245,265 or \$86.88 per square foot of living area, land included. Based on this record, giving consideration to the subject's sale and consideration to board of review comparable sales #1 and #2, the Board finds a reduction in the subject's assessment is 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.



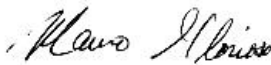
Chairman



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: February 20, 2015



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 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 the subsequent year 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.

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.