



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

APPELLANT: Monier Jibawi  
DOCKET NO.: 12-01422.001-R-1  
PARCEL NO.: 06-13-426-009

The parties of record before the Property Tax Appeal Board are Monier Jibawi, the appellant, by attorney Jerri K. Bush in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, 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:** \$8,398  
**IMPR.:** \$18,266  
**TOTAL:** \$26,664

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 consists of a one-story dwelling of frame construction with 780 square feet of living area. The dwelling was constructed in 1924. Features of the home include a full basement and central air conditioning. The property has a 7,085 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant completed portions of Section IV of the Residential Appeal petition concerning the purchase of the subject property and also submitted limited information on six comparable sales that occurred between March 2011 and April 2012 and sold for prices ranging from \$20,000 to \$57,500. These comparable dwellings range in size from 720 to 980 square feet of living area. The appellant did not complete a grid analyzing the characteristics of the comparable properties, their story heights, their ages and/or their features, but instead provided printouts from the township assessor's website with limited data on each property.<sup>1</sup>

As to the purchase of the subject property, the appellant reported the property was advertised in the Multiple Listing Service, but provided no Multiple Listing Service data sheet concerning the advertisement of the property. The copy of the Settlement Statement did not reflect the payment of any brokers' fees related to the sale transaction. The Listing & Property History Report indicated the property had been listed from November 19, 2009 until August 2010 with an asking price of \$49,900.

Based on this evidence, the appellant requested an assessment reflective of the subject's September 2010 purchase price of \$39,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$26,664. The subject's assessment reflects a market value of \$79,952 or \$102.50 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.

The board of review submitted a memorandum asserting that the subject property did not sell through the Multiple Listing Service (MLS). Moreover, the board of review memorandum asserted that the appellant's comparable sales were mostly foreclosure and short sales which were sold "as-is" or sold in 2012.

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<sup>1</sup> The board of review, however, placed the appellant's comparables in a grid analysis with details concerning story height, age, basement size and finish along with other details.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales that occurred between November 2010 and August 2011. The memorandum also asserted that the subject property is a rental unit so that annual rent of \$12,000 was estimated and once the GRM from the market was extracted, the memorandum asserted the property has an estimated fair market value of \$108,000.

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

In written rebuttal, counsel for the appellant acknowledged that some of the comparable sales may be foreclosures or short sales; however, in light of provisions of the Property Tax Code, compulsory sales are to be considered by both the board of review and by the Property Tax Appeal Board in revising and correcting assessments. (Citing 35 ILCS 200/16-55(b) & 16-183) As to the income approach analysis, counsel contends that the basis of the appeal was not an income approach to value and as a single-family residence, the income approach to value should not be used to determine its value for assessment purposes.

#### **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 Property Tax Appeal Board has given little weight to the sale price of the subject property in September 2010. The Board finds the sale is remote in time to the valuation date at issue of January 1, 2012 and thus is less indicative of the subject's market value as of the assessment date at issue.

The Property Tax Appeal Board gave little weight to the estimate of value under the income approach prepared by the board of review. The Board finds that there was insufficient analysis in the memorandum as to how the estimate was developed under the income approach to value. In addition, the Board finds that Illinois courts have stated that where there is credible

evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach. Since there are credible market sales contained in the record, the Board has placed most weight on this evidence.

The parties submitted a total of ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given little weight to the board of review's argument that the appellant's comparables were foreclosure and/or short sales. Public Act 96-1083 amended the Property Tax Code adding sections 1-23 and 16-183 (35 ILCS 200/1-23 & 16-183), effective July 16, 2010.

Section 1-23 of the Property Tax Code provides:

Compulsory sale. "Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Section 16-183 provides:

Compulsory sales. The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

The Board finds the effective date of these statutes is applicable to the assessment date at issue, January 1, 2012.

The Board has given reduced weight to board of review comparable #2 which sold in November 2010. Like the date of sale of the subject property, the Board finds this sale to be remote in time

to the assessment date at issue and therefore less indicative of market value as of January 1, 2012.

The Board finds the best evidence of market value to be appellant's comparable sales and board of review comparable sales #1, #3 and #4. These most similar comparables sold between February 2011 and December 2011 for prices ranging from \$20,000 to \$115,000 or from \$27 to \$142 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$79,952 or \$102.50 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence the Board finds 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.

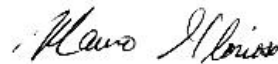
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Chairman



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Member



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Acting 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: June 26, 2015



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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.