



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

APPELLANT: Payman Ghannad
DOCKET NO.: 13-01696.001-R-1
PARCEL NO.: 15-22-405-008

The parties of record before the Property Tax Appeal Board are Payman Ghannad, the appellant, 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: \$5,719
IMPR.: \$17,612
TOTAL: \$23,331

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 2013 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 part one-story and part two-story single family dwelling of frame construction with 2,146 square feet of living area. The dwelling was constructed in 1900. Features of the home include a full basement and a detached garage with 483 square feet of building area. The property has a 14,784 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales described as being improved with one 1.5-story dwelling and three 2-story dwellings that ranged in size from 1,251 to 1,872 square feet of living area. Each comparable has a basement with one being finished, one comparable has central air conditioning and each comparable has a detached garage ranging in size from 209 to 624 square feet of building area. The comparables sold from May 2011 to February 2012 for prices ranging from \$20,000 to \$26,200 or from \$13.35 to \$20.94 per square foot of living area, including land. The appellant submitted a copy of the Multiple Listing Service (MLS) listing sheet for each comparable to document the sales. The listing sheets disclosed the comparables were either "short sales" or REO/Lender Owned, Pre-Foreclosure. Based on this evidence the appellant requested the subject's assessment be reduced to \$16,300.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$23,331. The subject's assessment reflects a market value of \$70,042 or \$32.63 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales and three equity comparables provided by the township assessor. The comparable sales were improved with two 2-story dwellings and a part 2-story and part one-story dwelling of frame construction that ranged in size from 2,106 to 2,264 square feet of living area. The dwellings were constructed from 1900 to 1907. Each comparable had an unfinished basement, one comparable had a fireplace and each comparable had a garage ranging in size from 270 to 720 square feet of building area. The comparables sold from September 2011 to November 2012 each for a price of \$100,000 or from \$44.17 to \$47.48 per square foot of living area, including land.

The three equity comparables were improved with two-story dwellings that ranged in size from 2,162 to 2,218 square feet of living area and were built in 1900. These comparables had improvement assessments ranging from \$23,230 to \$26,857 or from \$10.49 to \$12.42 per square foot of living area. The subject

had an improvement assessment of \$17,612 of \$8.21 per square foot of living area.

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 record contains seven comparable sales submitted by the parties. The record disclosed the appellant's sales were either "short sales" or experiencing foreclosure. Section 1-23 of the Code defines compulsory sale as:

"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. 35 ILCS 200/1-23.

Section 16-183 of the Code provides that the Property Tax Appeal Board is to consider compulsory sales in determining the correct assessment of a property under appeal stating:

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. 35 ILCS 200/16-183.

Based on these statutes, the Property Tax Appeal Board finds it is appropriate to consider these sales in revising and correcting the subject's assessment.

The Board finds the best evidence of market value to be appellant's comparable sales #2 and #3 and the board of review comparable sales. These comparables were most similar to the subject in size. These properties sold for prices ranging from \$24,700 to \$100,000 or from \$13.35 to \$47.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$70,042 or \$32.63 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Less weight was given appellant's sales #1 and #4 due to differences from the subject in size. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

The Board finds the equity comparables provided by the board of review were not responsive to the appellant's overvaluation argument but did demonstrate the subject was being equitably assessed.

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

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

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: November 20, 2015

A. Proctor

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.