



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

APPELLANT: Ashourina Hartoun  
DOCKET NO.: 14-02397.001-R-1  
PARCEL NO.: 05-14-451-006

The parties of record before the Property Tax Appeal Board are Ashourina Hartoun, the appellant,<sup>1</sup> 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:** \$6,999  
**IMPR.:** \$0  
**TOTAL:** \$6,999

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 2014 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 vacant parcel of land containing 2.45-acres of land area. The property is located in Elgin, Plato Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject vacant parcel was purchased on October 29, 2013 for a price of \$21,000. The appellant completed Section IV – Recent Sale Data of the appeal petition and reported the property was purchased from JP Morgan Chase, the parties to the transaction were not related, the property was sold using a realtor who advertised the property on the Multiple Listing Service for a period of 36 days. In further support of these assertions, the appellant provided a copy of the Multiple Listing Service data sheet which set forth the original asking price of \$29,900 before the property sold for \$21,000. The listing also notes that the property is REO/Lender Owned, available for cash financing and "the terms of its sale are now

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<sup>1</sup> Attorney Jerri K. Bush withdrew her appearance as counsel for the appellant by a filing dated March 16, 2016.

under auction terms and conditions." A Listing & Property History Report were also submitted that reflected a listing in February 2013 with an asking price of \$64,375 with several price reductions to a final asking price of \$29,000 for auction as of August 13, 2013. A copy of the Settlement Statement was also provided depicting the sale price and date along with the payment of brokers' fees to two realty firms. 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 \$22,937. The subject's assessment reflects a market value of \$68,901 or \$28,123 per acre or \$0.65 per square foot of land area, when using the 2014 three year average median level of assessment for Kane County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum and data gathered by Janet Roush, Plato Township Assessor. The assessor reports in her memorandum that, according to Attorney Stuart Kessler, who prepared "the document," the subject lot was sold at an auction "but was not correctly marked on the sales document." A copy of the recorded PTAX-203 Illinois Real Estate Transfer Declaration was submitted which indicated the property transferred via Warranty Deed, the property was advertised and the property was a Bank REO (real estate owned).

In support of its contention of the correct assessment the board of review through the township assessor made reference to three vacant land sales with a copy of the PTAX-203 for one of the sales. The properties were described in the assessor's memorandum as follows: 1.28-acres in Saddlebrook 3 subdivision sold in July 2012 for \$70,000 or \$54,688 per acre or \$1.26 per square foot of land area; .93 of an acre sold in Williamsburg Green 3 subdivision in 2011 for \$55,000 or \$59,140 per acre or \$1.36 per square foot of land area; and 2.85-acres no located in a subdivision sold in July 2014 for \$95,000 or \$33,333 per acre or \$0.77 per square foot of land area.

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

In written rebuttal, former counsel for the appellant contended that the subject property was listed and advertised on the open market, arguing now that it was listed for 309 days. As such, counsel contends the property was available to the general public and in any event, compulsory sales are reflective of market value when advertised or exposed on the open market (citing 35 ILCS 200/1-3). Reiterating the facts of the sale of the subject and the applicable case law, counsel contends that the sale is the best evidence of its market value. As to the comparables reported by the assessing officials, counsel argued that proximity was not reported and thus, little weight should be given to the data in light of the rules of the Property Tax Appeal Board.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in October, 2013 for a price of \$21,000. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for at least 36 days with a listing history that indicates additional time the parcel was on the market. In further support of the transaction the appellant submitted a copy of the Settlement Statement and the assessing officials provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration related to the transaction.

The Board finds the purchase price of \$21,000 is below the market value reflected by the assessment of \$68,901. Ordinarily, property is valued based on its fair cash value (also referred to as fair market value), "meaning the amount the property would bring at a voluntary sale where the owner is ready, willing, and able to sell; the buyer is ready, willing, and able to buy; and neither is under a compulsion to do so." Illini Country Club, 263 Ill. App. 3d at 418, 635 N.E.2d at 1353; see also 35 ILCS 200/9-145(a). The Illinois Supreme Court has held that a contemporaneous sale of the subject property between parties dealing at arm's length is relevant to the question of fair market value. People ex rel. Korzen v. Belt Ry. Co. of Chicago, 37 Ill. 2d 158, 161, 226 N.E.2d 265, 267 (1967). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill. App. 3d 369 (1<sup>st</sup> Dist. 1983); People ex rel. Munson v. Morningside Heights, Inc., 45 Ill. 2d 338 (1970); People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill. 2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945). In light of this holding, the comparable sales submitted by the assessor were given less weight. Two of the sales were remote in time to the assessment date and the third sale, which occurred in July 2014, was of a property whose proximity to the subject is unknown.

In conclusion, the Property Tax Appeal Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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



Acting 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:

October 21, 2016



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.