



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

APPELLANT: Kiveni Manungu & Tatiana Khonde-Niangi
DOCKET NO.: 14-02558.001-R-1
PARCEL NO.: 15-11-127-005

The parties of record before the Property Tax Appeal Board are Kiveni Manungu & Tatiana Khonde-Niangi, the appellants; 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: \$9,419
IMPR.: \$23,911
TOTAL: \$33,330

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 is improved with a one-story single family dwelling of frame and masonry construction with 1,584 square feet of living area. The dwelling was constructed in 1961. Features of the property include a partial basement, central air conditioning, one fireplace and a detached garage with 520 square feet of building area. The property has a 21,000 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on October 31, 2013 for a price of \$100,000. The appellants completed Section IV – Recent Sale Data of the appeal disclosing the seller was PNC Bank, the parties to the transaction were not related, the property was sold through a Realtor and had been advertised in the Multiple Listing Service (MLS) for 15 days. The appellants also indicated the property was purchased out of foreclosure. To document the sale the appellants submitted a copy of the settlement statement, a copy of MLS listing for

the subject property and a copy of the subject's Listing & Property History Report. The MLS listing described the subject property as being a "great opportunity for sweat equity buyer." The listing also stated that the "basement was gutted due to possible mold no testing was done." Based on this evidence, the appellants 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 \$41,663. The subject's assessment reflects a market value of \$125,152 or \$79.01 per square foot of living area, land included, 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 support of its contention of the correct assessment the board of review submitted information on three comparable sales identified by the township assessor improved with one-story dwellings of masonry or frame construction that ranged in size from 1,362 to 1,880 square feet of living area. The dwellings were constructed from 1961 to 1985. Each comparable had a full basement, central air conditioning and an attached or detached garage ranging in size from 480 to 816 square feet of building area. One comparable had a fireplace. These properties sold from January 2013 to October 2013 for prices ranging from \$165,000 to \$174,000 or from \$88.83 to \$127.75 per square foot of living area, including land.

The assessor also provided information on three equity comparables. The board of review submission also included a copy of the PTAX-203 Illinois Real Estate Transfer Declaration associated with the subject's transaction disclosing the property was advertised for sale and was a Bank REO (real estate owned).

In rebuttal the appellants reiterated their argument that the subject's sale was the best evidence of market value. The appellants also argued no weight should be given the board of review equity comparables as these did not address their overvaluation argument. The appellants also provided copies of the MLS listings for each of the board of review comparable sales.

Conclusion of Law

The appellants contend 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 appellants 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 on October 31, 2013 for a price of \$100,000. The appellants provided evidence demonstrating the sale had elements of an arm's length transaction. The appellants 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 15 days. In further support of the transaction the appellants submitted a copy of the settlement statement and a copy of the MLS listing. The

listing described the subject property as having condition issues with the comments that the property was a great opportunity for a sweat equity buyer and having potential mold issues in the basement. The board of review also provided a copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosing the property was advertised for sale. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction. The board did provide information on three comparable sales, however, comparable sale #3 was not similar to the subject in age or size and comparable sales #1 and #2 appear to be superior to the subject in condition based on statements contained on the MLS listing sheets for the subject and these two comparables. The Board gave no weight to the equity comparables provided by the board of review as this evidence did not address the appellants' overvaluation argument. Based on this record 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



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: November 23, 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.