



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

APPELLANT: Joita Bhai Patel
DOCKET NO.: 14-03918.001-R-1
PARCEL NO.: 06-21-101-020

The parties of record before the Property Tax Appeal Board are Joita Bhai Patel, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$2,548
IMPR.: \$14,472
TOTAL: \$17,020

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2013 Final Administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge 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 one-story residential condominium unit with 1,178 square feet of living area located in a three-story 60-unit condominium building. The condominium was constructed in 1991. Features of the condominium include central air conditioning, one fireplace, one bathroom, two bedrooms and a detached garage with 215 square feet of building area. The property 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 submitted evidence concerning a 2012 purchase price of the subject property along with submission of information on five comparable sales.

As to the purchase of the subject, the appellant disclosed the subject property was purchased on November 21, 2012 for a price of \$45,100. The appellant partially completed Section IV -

Recent Sale Data of the appeal petition disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service. In further support of the transaction the appellant submitted a copy of the Settlement Statement reiterating the purchase price and date which also depicted the payment of brokers' fees to two entities; a copy of the Multiple Listing Service data sheet depicting that the property was a short sale, available for conventional financing with the property having been on the market for 50 days; and a copy of the Listing & Property History Report depicting the property was listed on June 16, 2012 with an asking price of \$61,900 followed by an asking price reduction to \$45,000 prior to the sale.

As to the comparable sales data, the appellant's grid analysis depicts data on the proximity, design, year of construction, dwelling size, basement, fireplace amenity, air conditioning amenity and garage size along with sale date, sales price and price per square foot of living area of the properties. The comparables consist of a one-story condominium units, located in the same condominium development as the subject property. The units were built in 1991 and each contain 1,178 square feet of living area. There are no basements. Each comparable has a fireplace, central air conditioning and a garage of 215 square feet of building area. The properties sold between June 2013 and April 2014 for prices ranging from \$45,300 to \$57,100 or from \$38.45 to \$48.47 per square foot of living area, including land. The analysis included a section entitled Property Equalization Values which appears to depict adjustments to the comparable properties for sale date, land, age, size, basement area, baths, fireplace, air conditioning and/or garage size. The bottom of the analysis depicted a reduction in the subject's assessment of \$6,964 to arrive at an assessment reflective of the subject's November 2012 purchase price of approximately \$45,101. At the end of the analysis, data sources were listed as Assessor, County, MLS, Realist and Marshall & Swift. No evidence or explanation pertaining to the calculation of the adjustment amounts was submitted.

Based on this evidence, the appellant requested an assessment reflective of the subject's 2012 purchase price as of the assessment date of January 1, 2014.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$21,996. The subject's assessment reflects a market value of \$66,074 or \$56.09 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 response to the appeal, the board of review submitted a memorandum and additional data prepared by the Elgin Township Assessor's Office. The assessor contended that the subject's sale was a short sale, contracted in 50 days and was in good condition based on interior photographs submitted with the memorandum.

In support of its contention of the correct assessment the board of review submitted information on nine comparable sales. The comparables were improved with one-story condominium units that ranged in size from 1,067 to 1,178 square feet of living area and were constructed from 1984 to 1994. Each comparable had one fireplace and a garage ranging in size from 195 to 560 square feet of building area. The sales occurred from May 2010 to October 2012 for prices ranging

from \$79,000 to \$114,000 or from \$71.00 to \$98.00 per square foot of living area, including land, rounded.

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

In written rebuttal, counsel for the appellant noted that the board of review did not comment upon the five comparable sales presented by the appellant in this appeal. As to the comparable sales presented by the board of review, the appellant contends that all of the sales occurred too remote in time establish market value in 2014 and sales #2 through #9 are located either 9 or 11 miles from the subject property.

Counsel further indicated that appellant's comparables #1 through #5 were the "best" comparable sales and supported a reduction in the subject's assessment. Counsel further argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Appellant further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

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.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellant's argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellant's counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

As to the market value contention in this matter, the parties submitted the November 2012 sale of the subject property along with 14 suggested comparable sales for consideration by the Property Tax Appeal Board. The Board has given reduced weight to the board of review comparables along with the sale of the subject as these properties sold between 2010 and 2012, dates more

remote in time and less indicative of the subject's estimated market value as of January 1, 2014. The Board further recognizes that the appellant argued in rebuttal that a 2012 sale price for board of review comparable #7 through #9 were not valid evidence of market value, which therefore eliminates the sale price of the subject property.

Given this record, the Property Tax Appeal Board finds the best evidence of market value in the record to be appellant's comparable sales. These comparables sold between June 2013 and April 2014 for prices ranging from \$45,300 to \$57,100 or from \$38.45 to \$48.47 per square foot of living area, including land. These sales were in the same condominium development as the subject with the same age, dwelling size, fireplace, central air conditioning and garage amenities. The subject's assessment reflects a market value of \$66,074 or \$56.09 per square foot of living area, including land, which is above the range of the most similar comparables that sold proximate in time to the assessment date of January 1, 2014.

Based on this evidence and analysis, the Board finds a reduction in the subject's assessment 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: February 24, 2017



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.