



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

APPELLANT: Khaleel Ahmed
DOCKET NO.: 14-03966.001-R-1
PARCEL NO.: 03-21-308-006

The parties of record before the Property Tax Appeal Board are Khaleel Ahmed, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$20,210
IMPR.: \$25,550
TOTAL: \$45,760

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 split-level dwelling of frame and brick construction with 1,200 square feet of living area. The dwelling was constructed in 1959. Features of the home include a lower level, central air conditioning and a detached two-car garage. The property has a 6,669 square foot site and is located in Addison, Addison Township, DuPage County.

The appellant's appeal is based on overvaluation concerning a recent purchase price and comparable sales data.

As to the sale, the appellant partially completed Section IV – Recent Sale Data of the appeal petition reporting the subject property was purchased on December 30, 2011 for a price of \$80,000. The appellant reported the seller was "owner of record," the parties to the transaction were not related, the property was sold by a Realtor and the property was advertised on the

market through the Multiple Listing Service for an unstated period of time. In further support of the transaction the appellant submitted a copy of the Settlement Statement which reiterated the purchase price and date while also depicting the payment of brokers' fees to one entity as part of the transaction. The appellant also submitted a copy of the Multiple Listing Service data sheet depicting that the property was sold as an REO/Lender Owned, Pre-Foreclosure for cash "as-is." Also submitted was a copy of the Listing & Property History Report reflecting the original asking price in July 2011 of \$122,000 with four subsequent price reductions for a final asking price of \$88,200 commencing December 5, 2011 prior to the sale transaction.

As to the comparable sales data, the appellant's grid analysis depicts data on the proximity, design, year of construction, dwelling size, basement size and type, number of fireplaces, air conditioning amenity and garage size along with sale date, sales price and price per square foot of living area of seven suggested comparable properties. The comparables consist of split-level dwellings, located from .10 to .43 of a mile from the subject property. The homes were built between 1958 and 1960 and range in size from 1,175 to 1,322 square feet of living area. Each comparable has a lower level area. Three of the comparables have central air conditioning and each of the comparables have a garage ranging in size from 352 to 484 square feet of building area. The properties sold between January 2013 and August 2014 for prices ranging from \$96,000 to \$136,000 or from \$81.70 to \$115.74 per square foot of living area, including land.

The analysis included a section entitled Property Equalization Values which appears to depict adjustments to the comparables for sale date, land, age, size, basement/lower level, baths, fireplaces, air conditioning and/or garage size. The bottom of the analysis depicted a reduction in the subject's assessment of \$13,483 to arrive at an assessment reflective of a market value of \$118,383. 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 reduction to \$39,457.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$52,940. The subject's assessment reflects a market value of \$158,836 or \$132.36 per square foot of living area, land included, when using the 2014 three year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a grid analysis reiterating the appellant's comparable sales and noted in part that "the real estate market has picked up tremendously since 2012. This neighborhood in 2011-2013 suffered several foreclosure or bank owned sales such as the subject."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on seven comparable sales which the assessor characterized as showing "market conditions have improved quite a lot in this neighborhood and are continuing to rise." The comparables consist of split-level brick or frame or brick dwellings. The homes were built between 1958 and 1964. The homes range in size from 1,144 to 1,315 square feet of living area. Each comparable has a basement and/or lower level, each of which have finished areas.

Two of the comparables have central air conditioning and five of the comparables have a garage. The properties sold between July 2012 and December 2014 for prices ranging from \$152,000 to \$206,000 or from \$127.47 to \$172.27 per square foot of living area, including land.

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

In written rebuttal, counsel for the appellant argued against consideration of three of the board of review sales, noting that sales #1 and #5 have no garage and comparable #2 sold in 2012, a date too remote in time to be indicative of market value as of January 1, 2014.

Counsel further indicated that board of review sales #3, #4, #6 and #7 are "acceptable" comparables and placed those in a grid along with appellant's comparables #1 through #7. Considering all of these "best" comparable sales, counsel argued that a reduction in the subject's assessment is warranted and further argued that a sales range along is misleading and that the "median sale price/SF more accurately reflects a reasonable 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.

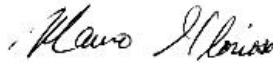
Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). 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 argument in this matter, the parties submitted the December 2011 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 board of review comparables #1, #2 and #5 which sold in 2012 or has no garage associated with the property. Likewise, the Board has given little weight to the subject's December 2011 purchase price which, as noted in appellant's rebuttal argument, is a sale that was remote in time to the assessment date and thus, unlikely to be indicative of market value as of January 1, 2014.

The Board finds the best evidence of market value in the record to the appellant's seven comparable sales along with board of review comparable sales #3, #4, #6 and #7. The comparables sold between January 2013 and December 2014 for prices ranging from \$96,000 to \$206,000 or from \$81.70 to \$171.91 per square foot of living area, including land. These sales provided by the parties had varying degrees of similarity to the subject property. Also, two of the appellant's sales #1 and #7 appear to have elements of being distressed or compulsory sales having sold for \$96,000 and \$98,500, respectively, which sets the low end of the range. In contrast, the sales identified by the township assessor appear to be more indicative of arm's length transactions reflective of fair cash value and set the upper end of the range with comparables #3 and #4 being at the very high end of that range with prices of \$202,000 and \$206,000.

Giving due consideration to the best comparable sales in the record, the Board gives most weight to seven of the comparable sales which sold for prices ranging from \$110,000 to \$179,900 or from \$93.62 to \$154.82 per square foot of living area, including land. The subject's assessment reflects a market value of \$158,836 or \$132.36 per square foot of living area, including land, which is within the range established by the best comparable sales in this record, but appears to be excessive. Based on this evidence and analysis, 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



Acting Member

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: _____

April 21, 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.