



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

APPELLANT: Prasong Amarathithada  
DOCKET NO.: 15-01359.001-R-1  
PARCEL NO.: 06-13-151-016

The parties of record before the Property Tax Appeal Board are Prasong Amarathithada, 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:** \$9,040  
**IMPR.:** \$35,960  
**TOTAL:** \$45,000

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 2015 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 two dwellings on the same parcel. Dwelling #1 is a part 1-story and part 2-story frame building containing 2,032 square foot of living area split between two apartment units. Dwelling #2 is a part 1-story and part 2-story frame building containing 1,205 square foot of living area in one apartment unit. Both dwellings were constructed in 1900 and feature full unfinished basements. The property has a 6,762 square foot site and 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 information on six comparable sales consisting of part 1-story and part 2-story dwellings containing two apartment units each. The buildings were built in 1900 and range in size from 1,810 to 2,382 square feet of living area. All of the comparables feature basements, one has a garage, and one has central air conditioning. No information was provided on type of

construction. They are located a distance of .16 to .75 of a mile from the subject. These comparables sold between May 2014 and April 2015 for prices ranging from \$55,000 to \$99,000 or from \$25.19 to \$44.59 per square foot of living area land included, or from \$27,500 to \$49,500 per apartment unit. The appellant requested the total assessment be reduced to \$23,646 or a market value of approximately \$70,988 or \$21.93 per square foot of living area including land, using 3,237 square feet of living area, the combined square footage of both dwellings, or \$23,663 per apartment unit.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$57,436. The subject's assessment reflects a market value of \$172,429 when using the 2015 three-year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue. The value per square foot would be \$53.27 per square foot of living area including land, using 3,237 square feet of living area, the combined square footage of both dwellings, and the value per apartment unit would be \$57,476.

In support of its contention of the correct assessment the board of review submitted limited information on 17 comparable sales. They were 1½ or 2-story buildings containing 2 or 3 apartment units each. These comparables sold between June 2013 and March 2015 for prices ranging from \$112,785 to \$175,000 or from \$41,667 to \$87,500 per apartment unit. No value per square foot was included in the grid analysis. The board of review also included a memorandum from the Elgin Township assessor and the property record cards for the two buildings. The assessor reported there were two dwellings on the parcel containing a total of three apartment units and 3,237 square feet of living area. The property record cards did not individually report the improvement assessments for the two buildings on the parcel. The assessor claims the appellant submitted six distressed sales, with comparables #1 through #4 foreclosures and comparables #5 and #6 not exposed to the open market. The board of review did not submit any evidence to support these claims. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellant claims the board of review's comparables have too many dissimilarities (as compared to the subject) to mention. The 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 (2<sup>nd</sup> Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2<sup>nd</sup> Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4<sup>th</sup> Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5<sup>th</sup> 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.

The Board finds the dissimilarity between the subject and all 23 comparables submitted by both parties, in that the subject contains two buildings rather than one, makes the use of value per square foot of living area as the unit of comparison impractical. In addition, the board of review did not disclose the value per square foot of their comparables or the subject. The appellant did disclose the value per square foot of the subject, but used the dwelling size of building #1 only, resulting in an erroneous value per square foot for the property. Therefore, the Board will utilize value per apartment unit as the basis of comparison. The Board gave less weight to comparables with two units as compared to the subject's three units. The Board finds board of review's comparables #5, #7 and #17 very similar to the subject in number of apartment units, location, site size, style and age. These comparables sold for prices ranging from \$41,667 to \$46,667 per apartment unit, including land. The subject's assessment reflects a market value of \$57,476 per apartment unit, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment is justified.



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.