



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

APPELLANT: Mumtaz Siddique  
DOCKET NO.: 15-01500.001-R-1  
PARCEL NO.: 06-14-304-017

The parties of record before the Property Tax Appeal Board are Mumtaz Siddique, the appellant, by attorney Katherine Amari O'Dell, of Amari & Locallo in Chicago; 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:** \$7,592  
**IMPR.:** \$31,737  
**TOTAL:** \$39,329

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 a one-story dwelling of masonry construction with 2,150 square feet of living area. The dwelling is a duplex that was constructed in 1950. Features of the home include a full unfinished basement, central air conditioning and a two-car garage. The property has a 6,415 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on March 9, 2015 for a price of \$118,000 or \$54.88 per square foot of living area, land included. 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 \$47,080. The subject's assessment reflects a market value of \$141,339 or \$65.74 per square foot of living area, land included, 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.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located from 0.90 to 2.28 miles from the subject property. The comparables are described as one-story duplexes of masonry, frame, or frame and masonry exterior construction. The comparables were constructed from 1959 to 1992 and contain from 1,582 to 2,222 square feet of living area. The comparables have varying degrees of similarity when compared to the subject. The comparables sold from July 2013 to September 2014 for prices that ranged from \$140,000 to \$182,000 or from \$81.85 to \$89.76 per square foot of living area, land included.

As part of its submission, the board of review stated the subject property "was purchased after the lien date, in February 2015 as a foreclosure." The assessor reported sales #3 and #6 were bank REO and foreclosure sales, respectively. On the basis of this evidence, the board of review requested confirmation of the subject's assessment.

### **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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be the purchase of the subject property in March 2015, three months after the assessment date, for a price of \$118,000 or \$54.88 per square foot of living area, land included. The appellant provided evidence demonstrating the sale had several of the elements of an arm's length transaction. The appellant completed portions of Section IV - Recent Sale Data of the appeal disclosing the seller was a financial entity; the parties to the transaction were not related; the property was sold by the owner; the property had been advertised on the open market with the Multiple Listing Service; and the property sold in settlement of a foreclosure. In further support of the transaction, the appellant submitted a copy of the settlement statement which indicated commissions were paid to two realty firms. The subject's assessment reflects a market value of \$141,399 or \$65.74 per square foot of living area, land included. The Board finds the purchase price is below the market value reflected by the assessment.

The Board finds the board of review challenged the arm's length nature of the transaction but was not able to refute the contention that the purchase price was reflective of market value. The board of review presented six comparable sales; however, three of these sales occurred in 2013 and were considered to be dated. In addition, none of the comparables were located in the same neighborhood as the subject, and five of the properties were much newer than the subject. Additionally, two of the board of review sales were REO bank or foreclosure sales, just like the subject's sale. As a result, the board of review's market evidence received little weight in the Board's analysis. Based on this record, the Board finds a reduction commensurate with the subject's request is appropriate.

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.

*Mario Albino*

Chairman

*K. L. Fan*

Member

*DR*

Acting Member

*Robert J. Steffen*

Member

*Dane DeKimo*

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: June 23, 2017

*A. Portel*

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.