



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

APPELLANT: Baljit Uppal
DOCKET NO.: 15-01676.001-R-1
PARCEL NO.: 02-12-401-007

The parties of record before the Property Tax Appeal Board are Baljit Uppal, the appellant, by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$23,809
IMPR.: \$162,839
TOTAL: \$186,648

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 two-story dwelling of masonry construction with 6,871 square feet of living area. The dwelling was constructed in 2002. Features of the home include a full, walk-out basement with 3,227 square feet of finished area, central air conditioning, three fireplaces and a four-car garage containing 1,024 square feet of building area. The property has a 2.01 acre site and is located in West Dundee, Rutland 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 November 26, 2013 for a price of \$560,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the sellers were individuals; 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 (MLS); and the property was on the market with its most recent listing

for 62 days. In further support of the transaction, the appellant submitted copies of the settlement statement, a warranty deed, and a real estate data sheet. The settlement statement reiterated the sale date and price but did not disclose any commissions paid to realty firms. The data sheet disclosed the subject had been on and off the market since August 2006 when it was first listed for sale at a price of \$1,250,000. With its most recent listing, the subject property went back on the market on July 1, 2013 at a price of \$675,000. After 62 days on the market, the property sold for a price of \$560,000. 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 \$223,068. The subject's assessment reflects a market value of \$669,673 or \$97.46 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 response to the appeal, the board of review presented data prepared by the Rutland Township Assessor. The township assessor submitted information on four sales that sold from February to November 2013 for prices that ranged from \$479,332 to \$590,000 or from \$117.25 to \$134.15 per square foot of living area, land included. The comparables are two-story dwellings of frame and masonry construction. The comparables were constructed from 2000 to 2013 and contain from 4,088 to 4,513 square feet of living area. The board of review also submitted a copy of the Illinois Real Estate Transfer Declaration (PTAX-203) for the subject's 2013 sale. The transfer declaration disclosed the subject property had been advertised for sale and the transaction was described as a "real estate purchase agreement". Based on this evidence, the board of review requested confirmation of the subject's assessment.

The appellant's attorney submitted a three-page rebuttal brief.

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.

The Board finds the best evidence of market value to be the purchase of the subject property on November 26, 2013 for a price of \$560,000. The appellant provided evidence demonstrating the sale had many of the elements of an arm's length transaction. The appellant 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 62 days prior to its 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 credible evidence to challenge the arm's length nature of the transaction and was not able to refute the contention that the purchase price was reflective of market value. The Board finds the board of review presented the transfer declaration for the subject's November 2013 sale, which disclosed the subject had been advertised for sale. The Board gave little weight to the four comparable sales presented by the township assessor. These comparables had significantly less living area than the subject; three of the comparables were located in different neighborhoods; and one of the comparables was a newly constructed home. Consequently, the Board finds the subject's listing history and November 2013 sale price of \$560,000 to be better indicators of the subject's market value as of the January 1, 2015 assessment date than the comparables submitted by the board of review.

Based on this record, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is warranted.

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.