



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

APPELLANT: Gaurav Singh
DOCKET NO.: 16-01695.001-R-1
PARCEL NO.: 06-17-182-013

The parties of record before the Property Tax Appeal Board are Gaurav Singh, 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: \$23,477
IMPR.: \$56,371
TOTAL: \$79,848

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 2016 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 part one-story and part two-story dwelling of frame and brick exterior construction with 3,542 square feet of living area.¹ The dwelling was constructed in 2005. Features of the home include a walk-out style basement with finished area, central air conditioning, two fireplaces and a 524 square foot garage. The property has an 11,743 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 partially completed Section IV of the residential appeal petition disclosing the subject property was purchased on July 13, 2015 for a price of \$240,000. The appellant's counsel reported that the subject property was purchased from the owner of record. Also, the parties to the transaction were not related and the property was advertised by sign, internet and/or auction. The Multiple

¹ Appellant's counsel failed to complete Section III – Description of Property: descriptive data has been drawn from the property record card evidence provided by the board of review.

Listing Service (MLS) sheet submitted by the appellant indicated the subject property was listed on the market for 1,154 days. A copy of the PTAX-203 Illinois Real Estate Transfer Declaration disclosed the sellers were Richard E. and Anita E. Appoh and reflects the purchase price, date of sale and that the transaction was a short sale. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$109,560. The subject's assessment reflects a market value of \$329,306 or \$92.97 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Kane County of 33.27% as determined by the Illinois Department of Revenue.

In response to the appellant's appeal, the board of review submitted information provided by the Elgin Township Assessor. The assessor included copies of the MLS listing sheet, the Listing and Property History Report, interior photos and a City of Elgin's Violation Detail report dated May 6, 2014 pertaining to the subject property. The assessor noted that there have been no permits taken out by the owners to remove the full finished walk-out basement. The assessor also explained in the memorandum that the subject property was overexposed to the market at 1,154 days.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located from .12 of a mile to 1.34 miles from the subject property. The comparable properties consist of part one-story and part two-story dwellings of frame or frame and brick exterior construction ranging in size from 3,046 to 3,672 square feet of living area. The dwellings were built from 2004 to 2008. The comparables have basements with four having finished areas. Each comparable has central air conditioning, a fireplace and a garage ranging in size from 490 to 670 square feet of building area. The comparables have sites ranging in size from 10,000 to 13,108. The comparables sold from April 2013 to October 2015 for prices ranging from \$309,250 to \$387,500 or from \$84.22 to \$111.13 per square foot of living area, including land.

In written rebuttal, the appellant's counsel contends the board of review evidence is not responsive nor relevant to the basis of the appeal.

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 in July 2015 for a price of \$240,000. The appellant provided evidence demonstrating the sale had 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 had

been advertised on the open market with the Multiple Listing Service and it had been on the market for 1,154 days. In further support of the transaction, the appellant submitted a copy of the PTAX-203 Illinois Real Estate Transfer Declaration. 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 evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. The Board also finds the board of review comparable sales were either distant in location from the subject property and/or are dated sales which would not be indicative of market value as of the January 1, 2016 assessment date. Based on this record the Board finds the subject property had a market value of \$240,000 as of January 1, 2016. Since market value has been determined the 2016 three-year average median level of assessment for Kane County of 33.27% shall apply. 86 Ill.Admin.Code §1910.50(c)(1).

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman



Member

Member



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: July 16, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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