



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

APPELLANT: Jim Murtishi, JPM Real Estate LLC
DOCKET NO.: 16-01707.001-R-1
PARCEL NO.: 06-13-182-016

The parties of record before the Property Tax Appeal Board are Jim Murtishi, JPM Real Estate LLC, 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 **No Change** 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: \$10,852
IMPR.: \$45,605
TOTAL: \$56,457

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, multi-family dwelling of frame exterior construction with 2,336 square feet of living area. The dwelling was constructed in 1900. Features of the home include five apartment units and a 576 square foot garage. The property has a 14,520 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 appellants submitted information on five comparable sales located from .16 of a mile to 1.10 miles from the subject property. The comparables were described as part one-story and part two-story, multi-family dwellings ranging in size from 2,106 to 2,482 square feet of living area. The dwellings were constructed in 1900. Each comparable has two apartment units, a full or partial basement and a garage ranging in size from 360 to 520 square feet of building area. Additionally, one comparable has a fireplace. The appellants did not disclose the comparables'

exterior construction or land area. The comparables sold from April 2015 to April 2016 for prices ranging from \$52,700 to \$80,000 or from \$23.29 to \$37.99 per square foot of living area, land included or from \$26,350 to \$40,000 per apartment unit. 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 \$56,457. The subject's assessment reflects a market value of \$169,693 or \$72.64 per square foot of living area, land included or \$33,939 per apartment unit, 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 appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor disclosed that the subject is not owner occupied and rental information was not supplied by the appellant. The assessor noted the appellant's comparables were two-unit apartment properties, whereas the subject is a five-unit apartment property.

In support of its contention of the correct assessment, the board of review submitted information on three comparable sales improved with a part one-story and part two-story and two, two-story, multi-family dwellings of frame exterior construction. The dwellings range in size from 2,416 to 2,750 square feet of living area and were constructed in either 1900 and 1902. The comparables were reported to have three, four or six apartment units. Each comparable has an unfinished basement. Additionally, one comparable has an 1,800 square foot carport and one comparable has a 625 square foot garage. The comparables have sites ranging in size from 4,784 to 26,928 square feet of land area. The comparables sold from June 2013 to September 2015 for prices ranging from \$169,500 to \$200,000 or from \$67.37 to \$72.85 per square foot of living area, including land or from \$33,333 to \$56,500 per apartment unit.

In addition, the township assessor developed an estimate of value using rental income from 27 properties to develop a gross rent multiplier of 6 which was applied to an annual estimated income for the subject property of \$34,860 to arrive at an estimated market value of \$209,160 or \$41,832 per apartment unit. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contended as to the comparable sales presented by the assessor/board of review, comparable sale #1 has no garage and comparables #2 and #3 sales in 2013 and 2014 were too remote in time to establish market value as of January 1, 2016. In a rebuttal grid analysis, counsel reiterated the four best comparable sales in the record and contended the subject's assessment should be reduced.

Lastly in rebuttal, counsel argued that an analysis of raw sales prices per square foot "does not take into account the fundamental concept of using a median sale price/SF to determine market value." Counsel 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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

As an initial matter, the Property Tax Appeal Board gave no weight to the appellant's counsel'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 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The Board also gave no weight to the estimate of value under the income approach prepared by the assessor on behalf of the board of review. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is other credible market value data available.

The parties submitted eight comparable sales for the Board's consideration. The board gave less weight to the appellant's comparable #5 due to its distant location from the subject property. The Board also gave less weight to comparables #2 and #3 submitted by the board of review as their sales in 2013 and 2014 are dated and less likely to reflect the subject's market value as of the January 1, 2016 assessment date

The Board finds the best evidence of market value to be the appellant's comparable sales #1 through #4 and board of review comparable sale #1. These comparables are most similar to the subject in date of sale, location, size, design, age and features. These comparables sold from April 2015 to April 2016 for prices ranging from \$52,700 to \$169,500 or from \$23.29 to \$67.37 per square foot of living area, land included or from \$26,350 to \$36,960 per apartment unit. The subject's assessment reflects a market value of \$169,693 or \$72.64 per square foot of living area, land included or \$33,939 per apartment unit, which falls slightly above the overall price range and price per square foot basis but falls within the range on the price per apartment unit basis. of the best comparable sales in this record. The Board recognizes the subject is superior to the comparables in the number of apartment units per dwelling. After considering the difference between the subject and the best comparables in the record, the Board finds that the subject's

slightly higher total market value is supported given the subject's additional apartment units. Therefore, no reduction in the subject's assessment is warranted.

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: June 18, 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

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