



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

APPELLANT:     Lukasz & Sandra Turek  
DOCKET NO.:    18-00799.001-R-1  
PARCEL NO.:     09-07-276-007

The parties of record before the Property Tax Appeal Board are Lukasz & Sandra Turek, the appellants, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. 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:**       \$32,541  
**IMPR.:**       \$97,459  
**TOTAL:**       \$130,000

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 2018 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 brick, stone and frame construction with 3,868 square feet of above ground living area. The dwelling was constructed in 1992. Features of the home include a full basement that is partially finished, central air conditioning, two fireplaces and a three-car attached garage.<sup>1</sup> The property has a 1.24-acre site and is located in St. Charles, St. Charles Township, Kane County.

The appellants appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on October 6, 2017 for a price of \$390,000. The appellants identified the sellers as Brian and Alison Shuldberg and reported the parties were not related. The appellants further indicated the property was sold through a

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<sup>1</sup> The description of the subject dwelling was taken from the Multiple Listing Service (MLS) listing submitted by the appellant and the appraisal submitted by the board of review.

Realtor, was advertised in the multiple listing service and had been on the market for 156 days. The appellants submitted a copy of the settlement statement and a copy of the Multiple Listing Service (MLS) documenting the sale. Based on this evidence, the appellants 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 \$153,318. The subject's assessment reflects a market value of \$459,724 or \$118.85 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted a copy of an appraisal of the subject property prepared by Roksolana Muzyka, a certified residential real estate appraiser, estimating the subject property had a market value of \$460,000 as of September 13, 2017. The board of review indicated the appellants had submitted the appraisal at the board of review hearing. The appraiser identified the client as Blueleaf Lending LLC and the assignment type was a purchase transaction. The appraiser indicated within the report that the property sold in an arm's length transaction for a contract price of \$390,000. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value and the cost approach to value.

The board of review also submitted a grid analysis using four comparable sales; however, this analysis was for a property other than the property which is the subject matter of the appeal.

Based on this evidence, the board of review requested the assessment be confirmed.

The appellants' counsel submitted rebuttal comments noting that the subject property was listed for an extended period, 156 days, before it sold for a price of \$390,000. The appellants' counsel also argued the board of review sales/assessment equity grid analysis was for the wrong property. The appellants contend the recent sale is the best evidence of fair cash value.

### **Conclusion of Law**

The appellants contend 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 appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Supreme Court of Illinois has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). Furthermore, a contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

The Board finds the best evidence of market value to be the purchase of the subject property in October 2017 for a price of \$390,000. The appellants provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellants 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 156 days. In further support of the transaction the appellants submitted a copy of the settlement statement and a copy of the MLS listing of the subject property. The Board finds the purchase price is below the market value reflected by the subject's assessment. The Board finds the board of review did not challenge the arm's length nature of the transaction. The board of review did submit a copy of an appraisal of the subject property prepared for a lending institution for a purchase transaction resulting in an estimated market value greater than the purchase price. However, the appraiser indicated within the report that the subject's purchase was an arm's length transaction but gave no explanation as to why the reported estimated market value was so much greater than the purchase price.

Based on this record, giving more weight to the purchase price, the Board finds a reduction in the subject's assessment 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. 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:

January 19, 2021



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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